# AGENDA

## Monday, April 18, 2016

**Meetings of Standing Committees**
**Council Conference Room**
**6:45 P.M.**

**REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL**
**COUNCIL CHAMBERS/CITY HALL**
**7:00 P.M.**

**1. Call to Order**

**2. Pledge of Allegiance**

**3. Roll Call**

**4. Approval of the Minutes of the Previous Regular Meeting**

April 04, 2016

**5. Petitions, Communications, Remonstrance and Memorials**

A letter from the City Plan Commission regarding recommendations from their April 12, 2016 meeting.

A Public Hearing on Vacation 2016-01 required by State Statute on behalf of Leslie L. Kelly and Donald J. Kelly a portion of Unimproved Ironwood Rd ( after realignment) West of 2807 LWW)_

**6. Report of Special Committee**

**7. Ordinances on First Reading**

P.O. 2016-06 Vacate Portion of Unimproved Ironwood Rd. (after realignment) West of 2807 LWW

P.O. NO. 2016-07 PUD Amendment Fiera Vista Villas - Duplex Dwellings and a Private Cul-de-Sac LWE North on Cedar Rd

**8. Resolutions**

R2016-15 Tax Abatement Compliance Report for 2015

R2016-16 World Landscape Architecture Month

R2016-17 Adding Property to the City's Acquisition List for the proposed Juday Creek Wellfield and Associated Infrastructure Projects

R2016-18 Adding Property to the City's Acquisition List 2340 N Main St. to aid in the Planning for Future Improvements to Fire Station #2 and/or Normain Park

**9. Ordinances on Second Reading**

**10. Privilege of the Floor - Non-Agenda Items**

**11. Unfinished Business**

**12. New Business**

**13. Adjournment**

At this time I know of no other business to come before the Council.
Deborah S. Block, IAMC, MMC, City Clerk

REGULAR MEETING OF THE MISHAWAKA COMMON COUNCIL

April 4, 2016

Be it remembered that the Common Council of the City of Mishawaka, Indiana met in the Council Chambers of the Mishawaka City Hall on Monday April 4, 2016, at 7:00 p.m. The meeting was called to order by President Ron Banicki all were asked to stand for the Pledge of Allegiance.

**Roll Call.**
**Present: Mr. Reisdorf, Mr. Banicki, Mrs. Voelker, Mr. Compton, Mr. Bellovich, Mr. Bilancio, Mr. Roggeman, Mr. Emmons, (Not voting).Absent: Mr. Mammolenti.**

Others present; Council Attorney Mary Ellen Hazen Chief Deputy I, Linda Dotson Chief Deputy Clerk II.

The minutes from the March 21, 2016 meeting were approved as received from the City Clerk's Office.

Chief Deputy Hazen presented the following Petitions to the Council, who referred them to the Plan Commission for their recommendation

Petition No. 2016-10 Vacate Portion of Unimproved Ironwood Road (after realignment) West of 2807 LWW.

Petition No. 2016-12 PUD Amendment Gateway Plaza NW Corner of Bremen Highway and US 20 Bypass

Petition No. 2016-13 PUD Amendment Fiera Vista Villas – Duplex Dwellings and a Private Cul-De-Sac LWE North of Cedar Rd.

Chief Deputy Hazen read **RESOLUTION NO. R2016-14** opening it for public hearing.

**RESOLUTION NO. 2016-14**

**RESOLUTION OF THE MISHAWAKA COMMON COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR THE DEFENSE AGAINST PROPERTY TAX REASSESSMENTS**
(Inter Local Government Agreement Big Box Stores)

Dave Wood, Mayor said he was speaking in favor of this Resolution. He said it was brought up in his State of the City, dark store reassessments is a wave that was coming through the State of Indiana and it is having a big impact on local government finance. Mayor Wood stated there have been several large big box stores that appealed to reassess their property taxes, and have based their appeals on dark store properties. He said for instance if a Wal-Mart closes in one area and builds a new store a mile away and the old store hasn't sold in a couple of years they use the old store as the comp for the new store. Mayor Wood said what was happening was these property taxes are being reassessed downward in many cases very large sums and in turn that would have a great impact on the local government services that the City would be able to provide. He said as these stores get reassessed big law firms come in to reassess and are paid out of the savings that they are able to provide the stores and the counties have no resources to fight these things. Mayor Wood went on to explain the burden of proof was typically on the local government and having counties without a budget to fight these typically the big box store wins the dark store reassessment.

Mayor Wood said this has had a negative effect on counties around the state and now that wave has hit St. Joseph County and specifically Mishawaka. He said we want to send the message that Mishawaka was not the place to come in and to reassess our stores downward. We are prepared and willing to have a stake in that fight, in partnering with St. Joseph County and the City of South Bend. Mayor Wood stated they were meeting on a weekly basis calling it "Our Dark Store Task Force" along with himself and Controller Miller to actively provide the data, research, and a plan of attack so that they can face these reassessments head on.

Mayor Wood stated they know there are several reassessments going on currently, specifically Meijer has two, Kohl's has one, Lowes, Target and some others have filed for these reassessments. He said one store alone; Meijer's for example, would be a loss of a quarter million dollars in assessment revenue. Mayor Wood said they were looking for this to pass in which case the city would have a stake in supporting some of these defense cases. He said how that would work was if it was in the TIF District, knowing that Mishawaka captures all of the increment in the TIF, Mishawaka would pay 100% of the cost of that defense, if it is not in a TIF the cost would be shared proportionately across, Counties, Schools, Libraries, and other taxing entities.

Mayor Wood said they are also looking into Legislative fixes, with a little bit of help called "Market Segmentation" that passed General Assembly and was signed into law by the Governor. He said how that works was if you are a big box store and you are looking to reassess your property it has to be in the same market as what you are doing business as. Mayor Wood said for example if you are a Lowe's the comp's used for the reassessment has to be home improvement; such as Home Depot etc. this will help us in the future but will not in the past. He said some of these have already been filed and the "Market Segmentation" is retroactive back to January 1, 2016 so we are going to have to fight these things, we want to send a message this is not the place to be doing this, he feels in some cases some of these places are under assessed. Mayor Wood said they intend to pay for these out of predominately Consulting Line Items, out of CEDIT, that was their preference, and they may even have to pay some of the defenses out of TIF itself and they may be coming back to the Council for an additional for the Consulting Lines. He said the good thing was they do not have to fight them all at once but defense of these can cost 10's of thousands of dollars each. Mayor Wood asked the Council to support this, as we go into 2019 we cannot have surprises like these pop up.

Mr. Bellovich asked if anyone has fought this and won a case like this. Mayor said no most of these they know of have lost because of coming through the Assessor's Office and they typically have no funds to fight these things so the reassessments have been victorious, like he said previously the burden of proof has been on the local government and the state tends to give favorability to the business looking to do the appeal.

Mr. Compton said he understood in the TIF District we would be paying for our own defense per store as it comes up are we evenly going to split the cost three ways, it says a pro rata portion help me understand what that means. Mayor Wood said prorate meaning out of property taxes that are not in the TIF District the County and the schools get a portion, and they can tell what that pro rata division is and we would pay our portion of that.

Mr. Deal asked in terms of numbers how many of these stores are in the TIF District verses outside the district. Mayor Wood stated most of the big box stores are in the TIF District, CVS is one that has actively been reassessing.

Mr. Canarecci asked what we can bring to the table to prove most effective to say this is what it should be assessed at. Mayor Wood said comps are the best data that can be given to these boards that are making these decisions so if we can compare Meijer for example, to say this was what Wal Mart a half mile down the street was assessed at and are paying as opposed to comparing it to an assessment of a dark store in Indianapolis or Kokomo. He said if we can point to good data close by then we have a compelling case. Mayor Wood stated a Costco cost $36 million dollars to build so we can point to data like that to help build our case.

Mr. Canarecci asked why hasn't that worked for other counties. Mayor Wood said some counties or cities don't have the money to fight these reassessments. He said it costs money to get comps and challenge these reassessments.

Mr. Tanner the resolution has a time limit written in it so there could be a time we can withdraw from this at any time. He said if we see we are going to court cases and it becomes surmountable how quick can we withdraw. Mayor Wood said they are meeting on a weekly basis if it shows it is not working out they can make the decision on an individual basis as to the ones we want to defend, in some cases it would cost more to defend then what we would get out of it.

Mr. Tanner said the initial cost would be mainly in the reassessment process and a lot of that data would be recyclable and could be used for future cases. Mayor Wood said appraisals have a shelve life of a period of months markets change and they want experts doing this and show that we are willing to defend this.

Kate asked if there were other states that this was happening in and could we look to them for information. Mayor Wood said taxes are pretty much a state to state thing and what really puts this in an area of concern for us was if these taxes presently shift to the homeowners to bare the burden to pay if the box stores are under assessed. He said it is a matter of fighting this comps and that was what they are prepared to do.

Question was called for at 7:21 **RESOLUTION NO. 2016-14 Vote: Motion carried by unanimous roll call vote (summary: Yes = 8). Yes: Mr. Banicki, Mr. Bellovich, Mr. Bilancio, Mr. Compton, Mr. Emmons, Mr. Reisdorf, Mr. Roggeman, Mrs. Voelker.**

**NEW BUSINESS**

Mr. Deal said the 3rd District Neighborhood Meeting will be held on April 20, 2016 at 7:00 p.m. at Twin Branch School.

Mr. Emmons Mr. said the 1st District Council Meeting will be held on April 21, 2016 at St. Bavo School with John Broaden as the Guest Speaker.

Mr. Tanner said his neighborhood watch meeting for the Oaks would be at 6:00 p.m. on April 13th, 2016 at Albright United Methodist Church.

**ADJOURNMENT 7:32 p.m.**

| | |
|---|---|
| Deborah S. Block | Ronald S. Banicki |
| Deborah S. Block, IAMC, MMC, City Clerk | Ronald S. Banicki, President |

# City of Mishawaka

**DAVID A. WOOD, MAYOR** **DEPARTMENT OF CITY PLANNING**

April 13, 2016

RECEIVED
DEBORAH S. BLOCK, MMC
APR 14 2016
CITY CLERK
MISHAWAKA, IN

Honorable Members of the Common Council
City of Mishawaka, Indiana

RE: Plan Commission Recommendation
April 12, 20916, Public Hearing
Certification of Proposed Ordinances

Honorable Members:

A regular meeting of the Mishawaka Plan Commission was held on the above referenced date at which time the following proposed Ordinances were considered:

**PETITION #16-10** A petition submitted by Donald J. and Leslie L. Kelly requesting to vacate a portion of unimproved Ironwood Drive **west of 2807 Lincolnway West.**

The Commission, with a vote of 8-0, recommended approval.

**PETITION #16-13** A petition submitted by John Ward requesting to amend the Fiera Vista Villas Planned Unit Development to amend various developmental requirements for setbacks and lot area.

The Commission, with a vote of 7-1, recommended approval subject to the following PUD development standards/conditions:

**Uses:**

1. Uses shall be limited to two-family residential (duplexes) as identified in the petition for rezoning.

**Setbacks:**

1. A minimum 22′ front yard setback for Lots 1 through 7, 9 through 16, and 18 through 20.
2. A minimum 18′ front yard setback for Lot 8.
3. A minimum 14′ front yard setback for Lot 17.
4. A minimum 15′ rear yard setback for Lots 9, 10, and 13 through 16.
5. A minimum 0′ side yard setback for all lots.

**Lot Area:**

1. A minimum of lot area of 3,695 sq. ft.

**Lot Frontage:**

1. A minimum front lot width of 22.2′ as measured at the ingress/egress easement (private road).

**Sanitary Sewer:**

1. The developer shall connect to City of Mishawaka sanitary sewer as directed by applicable codes and the City Director of Engineering. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.

**Right-of-Way Dedication / Private Access Drive:**

1. A 40' half right-of-way must be dedicated from the centerline of Cedar Road.
2. The private access drive (cul-de-sac) shall be designed as directed by applicable codes and the City Director of Engineering.

**Parking:**

1. Each driveway shall be a minimum of 22' in length from the edge of pavement to the façade of each garage.

**Stormwater Management Infrastructure:**

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

**Pedestrian Access/Circulation**

1. A sidewalk shall be installed along the east side of Cedar Road within the dedicated right-of-way to provide a pedestrian connection from the development extending southerly to the gas station/convenience store at the northeast corner of Cedar Road and Lincolnway East.

**Other:**

1. All other developmental standards not identified shall comply with the R-2 Two-Family Residential standards.

Pursuant to I.C. 36-7-4-605 the Mishawaka Plan Commission hereby certifies to the Mishawaka Common Council the attached proposed Ordinances regarding the above matters.

Respectfully,

Kari Myers

Kari Myers, Administrative Planner
Secretary, City of Mishawaka Plan Commission

cc: Donald Kelly
Terry Lang

## STAFF REPORT

Location: Southeast corner of Ironwood Drive and Lincolnway West

Date: April 12, 2016

Prepared By: CH

Petition: 16-10

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | Donald J and Leslie L Kelly |
| Status: | Adjacent Property Owners |
| Request: | Vacate Public Right of Way |
| Zoning Classification: | C-1 General Commercial (adjacent to the east) |
| Applicable Regulations: | IC 36-7-3-12 and 13 |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | C-4 Automobile Oriented Commercial |
| | South: | I-1 Light Industrial |
| | East: | C-1 General Commercial |
| | West: | Ironwood Road ROW and City of South Bend |
| Thoroughfare: | Lincolnway West and Ironwood Road | |
| School District: | School City of Mishawaka | |
| Public Utilities: | Public Right-of-Way | |
| Comprehensive Plan: | General Commercial | |

## ANALYSIS

The Petitioners are requesting to vacate a 3,433 square foot portion of Ironwood Drive south of Linconlway West. This right-of-way was acquired by St. Joseph County and the City of Mishawaka in conjunction with the Ironwood Drive Underpass project. Similar right-of-way north of Lincolnway was vacated in 2002.

There are no improvements on the site, however, there is an easement for construction, maintenance, and use of a retaining wall and a 20' utility easement. There are overhead lines that run through the site, belonging to AEP. They have been contacted regarding their easement, but comments have not been received back.

The proposed vacation request has been routed to the appropriate City departments and the County Engineer. The County Engineer requests the permanent easement for the retaining wall remain in place.

## RECOMMENDATION

Staff recommends in favor of Petition 16-10 to vacate a portion of Ironwood Road running north/south located south of Lincolnway West for approximately 114 feet subject to the retaining wall easement remaining. This recommendation is based on the following findings of fact:

1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.

2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.

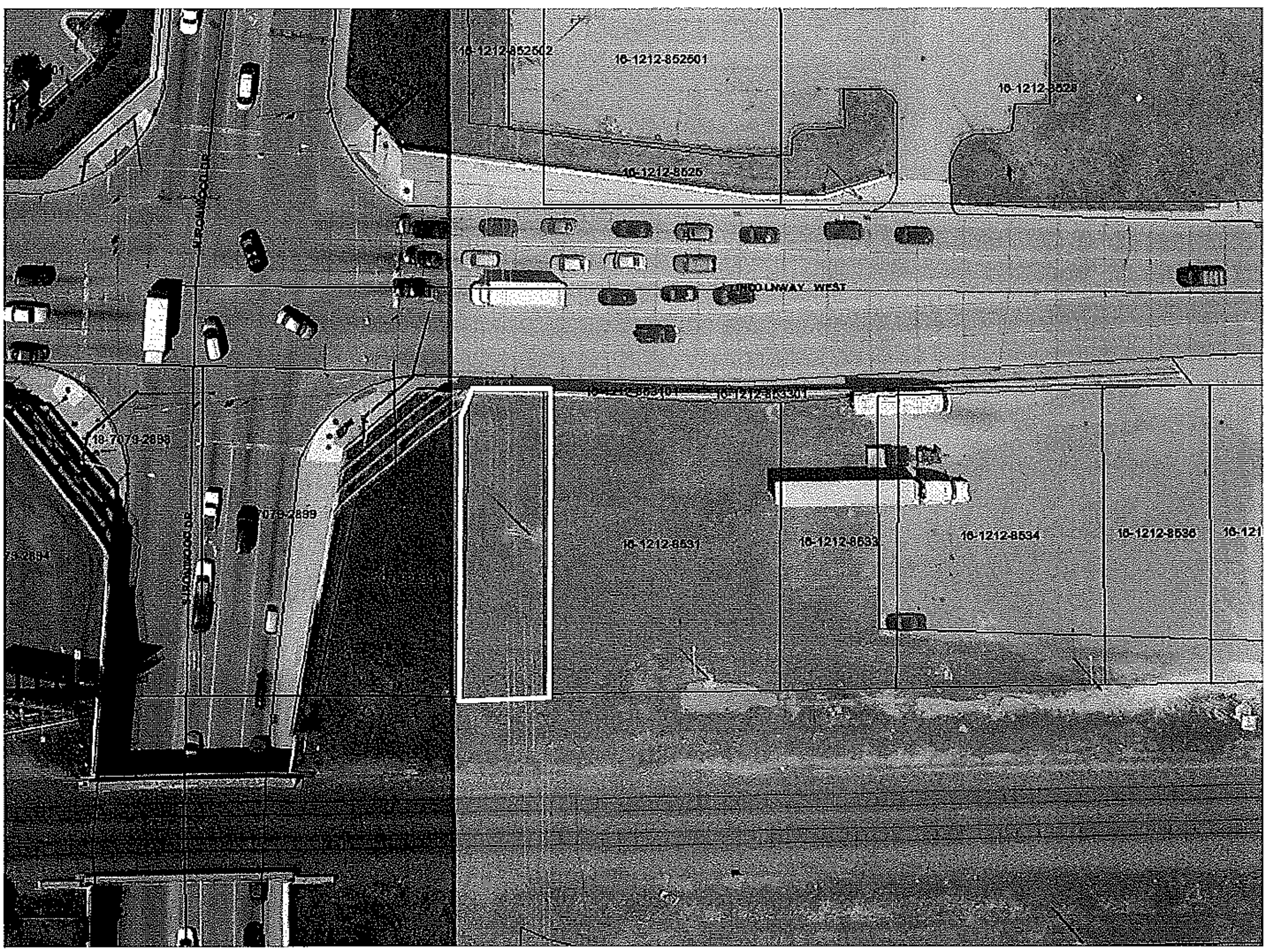
3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination;

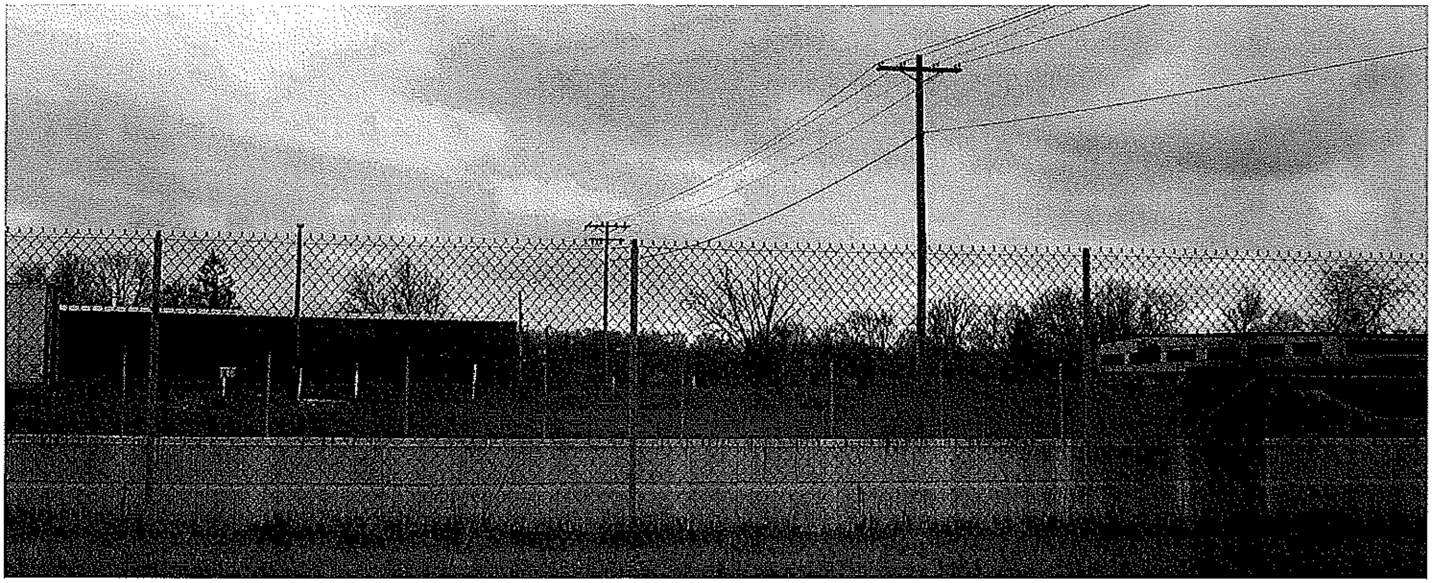
4) The proposed vacation will not hinder the use of any public way, utility or place.

5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

## ATTACHMENTS

Aerial, Photo, Petition, Vacation Diagram




A view south at the area to be vacated


A view of the adjacent property to the east

## STAFF REPORT

Location: 57000 block Cedar Road (North of 124 Cedar Road) Date: April 12, 2016

Petition: 16- 13 Prepared By: DJS

## GENERAL INFORMATION

| | |
|---|---|
| Applicant: | John Ward |
| Status: | Property Owner |
| Request: | Amend the Fiera Vista Villas PUD to allow for a change in the development standards for the proposed two-family residential (duplex) development |
| Zoning Classification: | S-2 Planned Unit Development |
| Lot Size: | Approximately 2.7 acres |
| Applicable Regulations: | Section 137-671 thru 137-679 Planned Unit Development S-2 District, Section 137-40 Plan Commission, and Section 137-41 Amendments to the Zoning Map |

## SPECIAL INFORMATION

| | | |
|---|---|---|
| Area Development Pattern: | North: | Unincorporated St. Joseph County – R Single Family Residential (Residential Use) |
| | South: | C-4 Automobile Oriented Commercial District (Car Wash) and C-1 General Commercial District (Restaurant & Medical Office) |
| | East: | Unincorporated St. Joseph County – R Single Family Residential (Residential Use) |
| | West: | S-2 Planned Unit Development (Medical and Agricultural Use) |
| Thoroughfare: | Cedar Road north of Lincolnway East | |
| School District: | Penn-Harris-Madison School Corporation | |
| Township: | Penn | |
| Public Utilities: | All public utilities are available and/or will be be extended to the site at the owner/developer's expense. | |
| Comprehensive Plan: | Not applicable since property was recently annexed. | |

## ANALYSIS

The Petitioner is requesting to amend the Fiera Vista Villas PUD to change the development standards for the proposed two-family residential (duplex) development.

Currently, the R-2 Two-Family Residential development standards are applicable to the PUD as no variances from these standards were requested when the site was rezoned to the S-2 Planned Unit Development District (PET 16-03). A plat was submitted concurrently with this PUD amendment (PLAT

16-15) to establish 20 individual lots, one for each of the proposed duplex units, resulting in the need for several of the requested variances.

The PUD amendment is requesting a variance from the required minimum 25' front yard setback to 22' for Lots 1 through 7, 9 through 16, and 18 through 20; to 18' for Lot 8; and to 14' for Lot 17. The Planning Department supports these reductions in the required front yard setbacks since each of the driveways will be a minimum of 22' in length from the private road to the garage. The 22' long driveways and attached garages for each of the duplex units provide four (4) off-street parking spaces for each unit.

The second variance requested is from the required minimum 25' rear yard setback to 15' for Lots 9, 10, and 13 through 16. The Planning Department supports these variances due to the site constraints and shallow lot depths resulting from the required 50' radius for the cul-de-sac. Furthermore, all rear yards will be screened from the adjacent properties with a 7' high opaque fence.

The third variance requested is from the required 5' minimum side yard setbacks to 0' for all lots. This variance is required since each of the attached duplex units will be platted on an individual lot allowing separate ownership for each unit. The Planning Staff supports this variance due to the unique nature of the two-family duplex residential development.

The fourth variance requested is from the required 6,000 sq. ft. minimum lot area to 3,695 sq. ft. This variance is required due the subdividing the lots permitting individual ownership for each of the duplex units. The Planning Staff supports this variance due to the unique nature of the development.

The fifth variance requested is from the required 60' minimum lot width to 22.2' as measured at the ingress/egress easement (private road). This variance is required due the subdividing the lots permitting individual ownership for each of the duplex units. The Planning Staff supports this variance due to the unique nature of the development.

At the time of writing this staff report, the Engineering Department has yet to provide comments. All other pertinent city departments reviewed and approved the PUD amendment providing no additional comments.

Prior to the development of the site, the Petitioners will need to submit for final PUD site plan approval.

## RECOMMENDATION

Staff recommends **approval** of Petition #16-13 to amend the Fiera Vista Villas PUD to change the development standards for the proposed two-family residential (duplex) development with the following PUD development standards/conditions:

**Uses:**

1. Uses shall be limited to two-family residential (duplexes) as identified in the petition for rezoning.

**Setbacks:**

1. A minimum 22' front yard setback for Lots 1 through 7, 9 through 16, and 18 through 20.
2. A minimum 18' front yard setback for Lot 8.
3. A minimum 14' front yard setback for Lot 17.
4. A minimum 15' rear yard setback for Lots 9, 10, and 13 through 16.
5. A minimum 0' side yard setback for all lots.

**Lot Area:**

1. A minimum of lot area of 3,695 sq. ft.

**Lot Frontage:**

1. A minimum front lot width of 22.2' as measured at the ingress/egress easement (private road).

**Sanitary Sewer:**

1. The developer shall connect to City of Mishawaka sanitary sewer as directed by applicable codes and the City Director of Engineering. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.

**Right-of-Way Dedication / Private Access Drive:**

1. A 40' half right-of-way must be dedicated from the centerline of Cedar Road.
2. The private access drive (cul-de-sac) shall be designed as directed by applicable codes and the City Director of Engineering.

**Parking:**

1. Each driveway shall be a minimum of 22' in length from the edge of pavement to the façade of each garage.

**Stormwater Management Infrastructure:**

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

**Pedestrian Access/Circulation**

1. A sidewalk shall be installed along the east side of Cedar Road within the dedicated right-of-way to provide a pedestrian connection from the development extending southerly to the gas station/convenience store at the northeast corner of Cedar Road and Lincolnway East.

**Other:**

1. All other developmental standards not identified shall comply with the R-2 Two-Family Residential standards.

This recommendation is based on the following findings of fact:

1. Existing Conditions – The subject parcel is vacant land located within an area of existing residential, commercial/office, and agricultural uses.

2. Character of Buildings – The character of the buildings within the surrounding area is mixed with residential (north) and commercial/office (south and west).

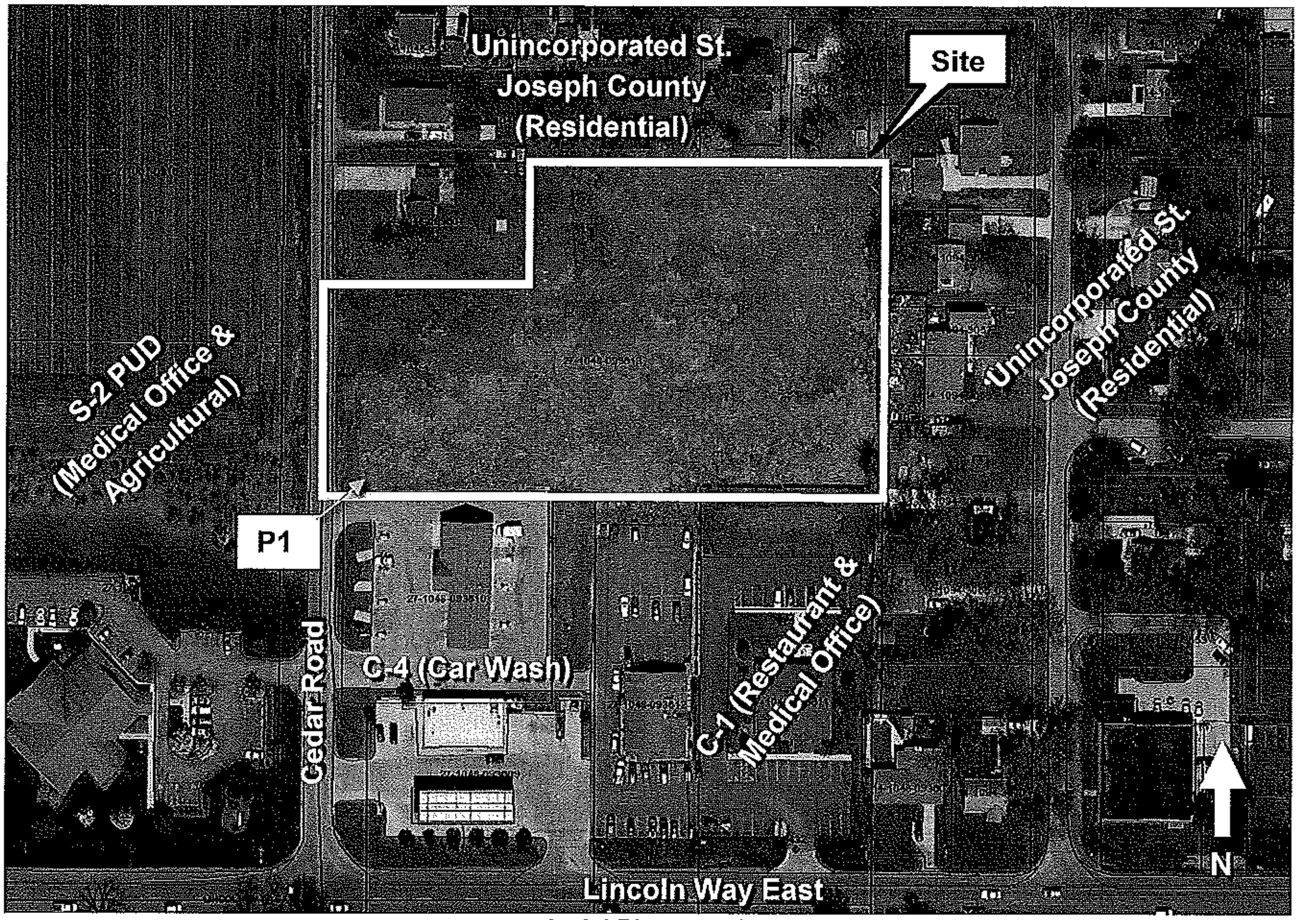
3. The most desirable/highest and best use – Because of the parcel's proximity to both single-family residential uses to the north and east and commercial and office uses to the south and west, the most desirable use for the property is a higher density residential use. Such a use will act as a buffer between the adjacent commercial/office and residential uses.

4. Conservation of property values - The proposed amendment to change the PUD development standards will not be injurious to property values in the surrounding area as a majority of the variances are internal to the development. Furthermore, a 7' high opaque privacy fence will be constructed along perimeter of development, except for along Cedar Road, providing a visual barrier from the adjacent properties.

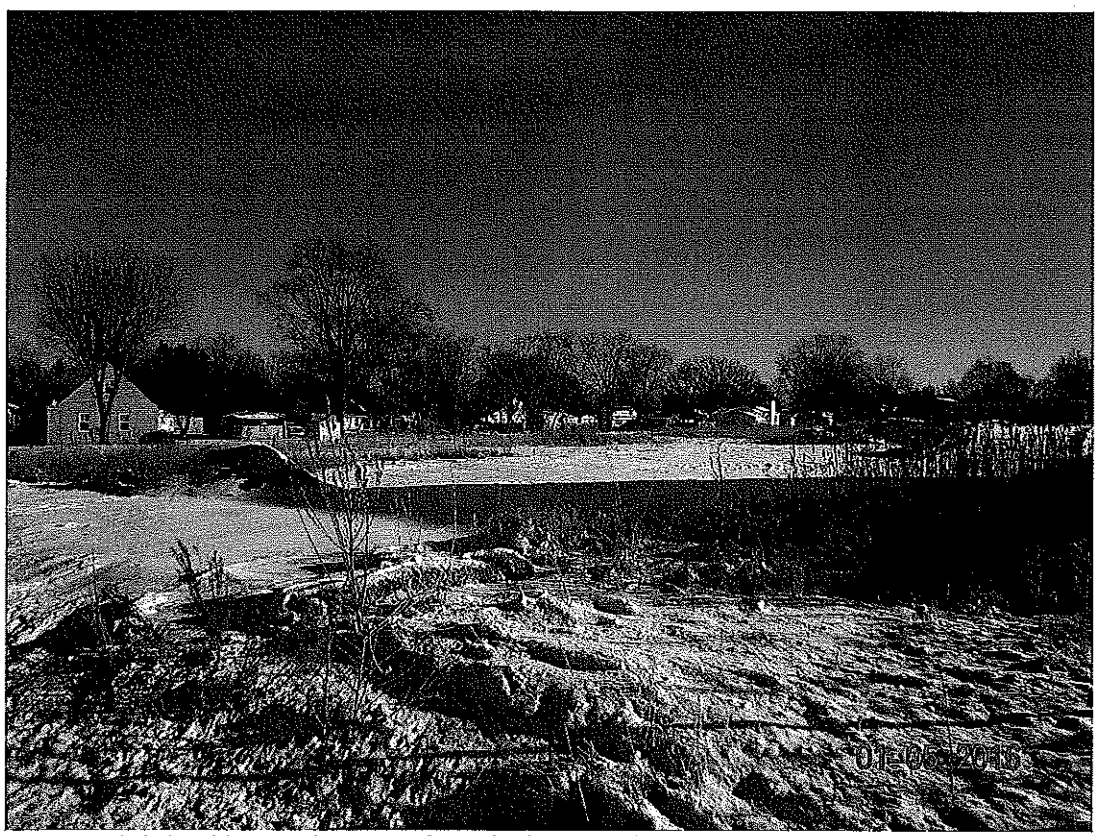
5. Comprehensive Plan - This specific property was not identified in the City of Mishawaka Comprehensive Plan as it was recently annexed. However, the PUD amendment and proposed land use is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan.

## ATTACHMENTS

Aerial, Photograph(s), Petition, Location Map, Preliminary Site Plan




Aerial Photograph
57000 Block of Cedar Road (North of 124 Cedar)



P1. Looking northeastern from Cedar Road into the site to be rezoned.

**NOTICE OF HEARING**

**Vacation No.** **<u>2016-01</u>**

**Date of Hearing:** **<u>April 18, 2016</u>**

**Time of Hearing:** **<u>7:00 PM</u>**

PLEASE TAKE NOTICE:

A petition has been filed by Leslie L. Kelly and Donald J. Kelly

**Vacation NO. 2016-01 - Petition No. 2016-10**

Vacate Portion of Unimproved Ironwood Rd (after realignment) West Of 2807 LWW

Notices are sent to the petitioner and to the owners of property affected by the petition. A hearing upon this petition will be held in the Council Chambers, Municipal Building, 600 East Third Street, Mishawaka, Indiana. At this time, you may appear either in person, present in writing, be represented by an agent or attorney, and present any reasons which you may have to the granting or denying of this petition. You are requested to prepare your case, in detail, and present all evidence relating to this petition at the time of scheduled hearing.

Respectfully,

Deborah S. Block
Deborah S. Block, IAMC, MMC, City Clerk

1st Reading 4-18-16
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC
APR 14 2016
CITY CLERK
MISHAWAKA, IN

PETITION #16-10

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-06

ORDINANCE NO. ______________

AN ORDINANCE AMENDING CHAPTER 137 OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, Donald J. and Leslie L. Kelly have filed a petition for vacation of the public right-of-way described in Section 1 below;

WHEREAS, the Petitioner owns all land that abuts the public right-of-way sought to be vacated;

WHEREAS, notice of the filing and petition and date of hearing on said petition has been given as required by law;

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood;

WHEREAS, the public right-of-way sought to be vacated will not prevent access to any abutting lands by means of a public way;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the public's access to a church, school, or other public building or place;

WHEREAS, the vacation of the public right-of-way sought to be vacated will not hinder the use of any public way, utility or place;

WHEREAS, the vacation of the public right-of-way does not conflict with the goals, objectives and policies of the Mishawaka Comprehensive Plan; and

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the vacation of the public right-of-way including the imposition of reasonable conditions, to-wit, the recommendation of the department of City Planning, as hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137 of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

A part of the Northwest Quarter of the Southwest Quarter of Section 17, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana described as follows: Beginning at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 30.01 feet along the north line of CONRAIL to the original centerline of Ironwood Drive; thence North 00 degrees 00 minutes 00 seconds East 109.43 feet more or less along the original centerline of Ironwood Drive to the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76; thence North 50 degrees 56 minutes 41 seconds East 9.81 feet along the back side of said retaining wall to a point of intersection in said retaining wall; thence South 89 degrees 21 minutes 12 seconds East 22.39 feet along the back of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 114.76 feet more or less along said original east line of the point of beginning and containing 3,433 square feet, more or less.

The above described tract of land is subject to a perpetual easement in favor of the Board of Commissioners, St. Joseph County, Indiana and the Board of Public Works and Safety, City of Mishawaka for the construction, maintenance and use of a retaining wall described as follows: Commencing at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 30.01 feet along the north line of CONRAIL to the original centerline of Ironwood Drive; thence North 00 degrees 00 minutes 00 seconds East 83.67 feet more or less along the original centerline of Ironwood Drive to a point of 20.00 feet southeasterly of, as measured to, the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76 for the Point of Beginning of this description; thence North 00 degrees 00 minutes 00 seconds East 25.76 feet along said original centerline to the back side of said retaining wall; thence North 50 degrees 56 minutes 41 seconds East 9.81 feet along the back side of said retaining wall to a point of intersection in said retaining wall; thence South 89 degrees 21 minutes 12 seconds East 22.39 feet along the back side of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 20.00 feet along said original east line to a point 20.00 feet southerly of, as measured normal to, the back side of said retaining wall; thence North 89 degrees 21 minutes 12 seconds West 15.40 feet parallel with and 20.00 feet from, as measured north to, the back side of said retaining wall; thence South 50 degrees 56 minutes 41 seconds West 18.82 feet parallel with and 20.00 feet from, as measured normal to, the back side of said retaining wall to the point of beginning and containing 664 square feet, more or less.

The above described tract of land is also subject to a perpetual easement for utilities described as follows: Beginning at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 20.00 feet along the north line of CONRAIL; thence North 00 degrees 00 minutes 00 seconds East 115.38 feet more or less to the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76; thence South 89 degrees 21 minutes 12 seconds East 20.00 along the back of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 114.76 feet more or less along said original east line to the point of beginning and containing 2,301 square feet, more or less.

COMMONLY KNOWN AS: Southeast corner of Ironwood Drive and Lincolnway West

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1) The vacation will not hinder the growth or orderly development of the neighborhood. The vacation will allow for improved growth and orderly development of the neighborhood.

2) The vacation of the established right-of-way will not make access to any adjacent property difficult or inconvenient.

3) The street does not provide access to any church, school, public building or place and thus will not hinder the public's access to any of the aforementioned destination.

4) The proposed vacation will not hinder the use of any public way, utility or place.

5) This petition is not in specific conflict with the goals, objectives, and policies of the Comprehensive Plan.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _____ day of ________________, 2016.

________________________________
Presiding Officer

ATTEST:

________________________________
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this _____ day of ________________, 2016, at _____ o'clock ______.M.

________________________________
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this _____ day of ________________, 2016, at _______ o'clock ______.M.

________________________________
David A. Wood, Mayor

February 26, 2016

RECEIVED
DEBORAH S. BLOCK, MMC
MAR 30 2016
CITY CLERK
MISHAWAKA, IN

To The Honorable Members of the
Common Council
City of Mishawaka, Indiana
And
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Re: Petition for Vacation of Public Right of Way

The undersigned Donald J and Leslie L Kelly respectfully request the Mishawaka Common Council and the Mishawaka City Plan Commission vacate the following described public right of way located in the City of Mishawaka, St. Joseph County, Indiana:

***See attached map and 2 page legal description of public right of way to be vacated.***

Petitioners further state they are the owners of the properties immediately adjacent to the above-described right of way.

Wherefore, the Petitioners pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted vacating the above described right of way located in the City of Mishawaka.

Leslie L Kelly Donald J Kelly

Leslie L. Kelly Donald J. Kelly
71-09-18-427-010.000-026/018-7079-289901
Portage Township 026-South Bend, Indiana

Leslie L Kelly Donald J Kelly

Leslie L. Kelly Donald J. Kelly
71-09-17-305-002.000-023/ 016-1212-8531
Lots 2 & 3 Middleboro Addition,
Mishawaka, Indiana

Contact Person:
Leslie L. Kelly
53053 Berwick Drive, South Bend, IN 46635
574-273-2149-Home
574-273-0404-FAX

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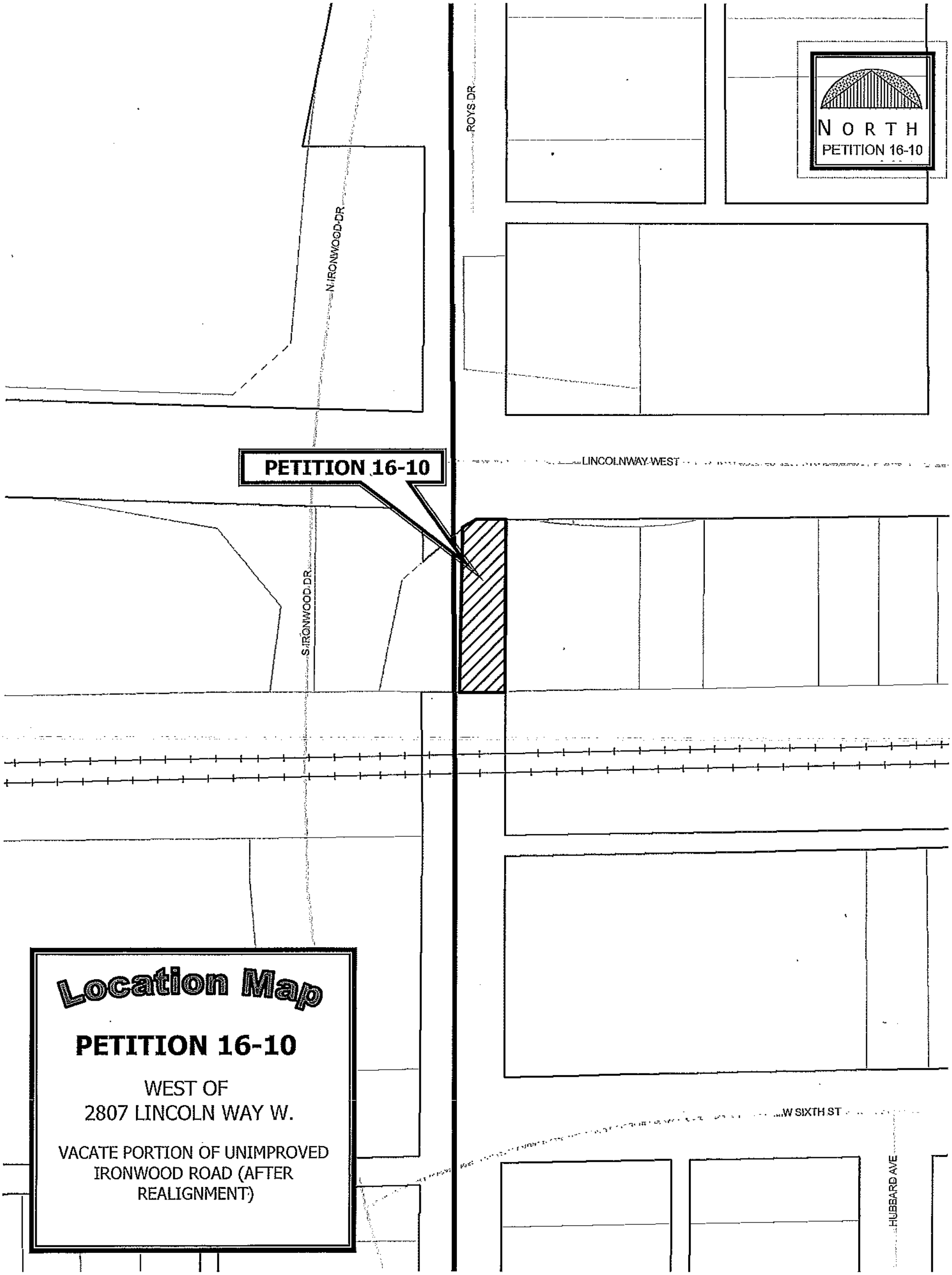
FEB 29 2016
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Pet 16-10

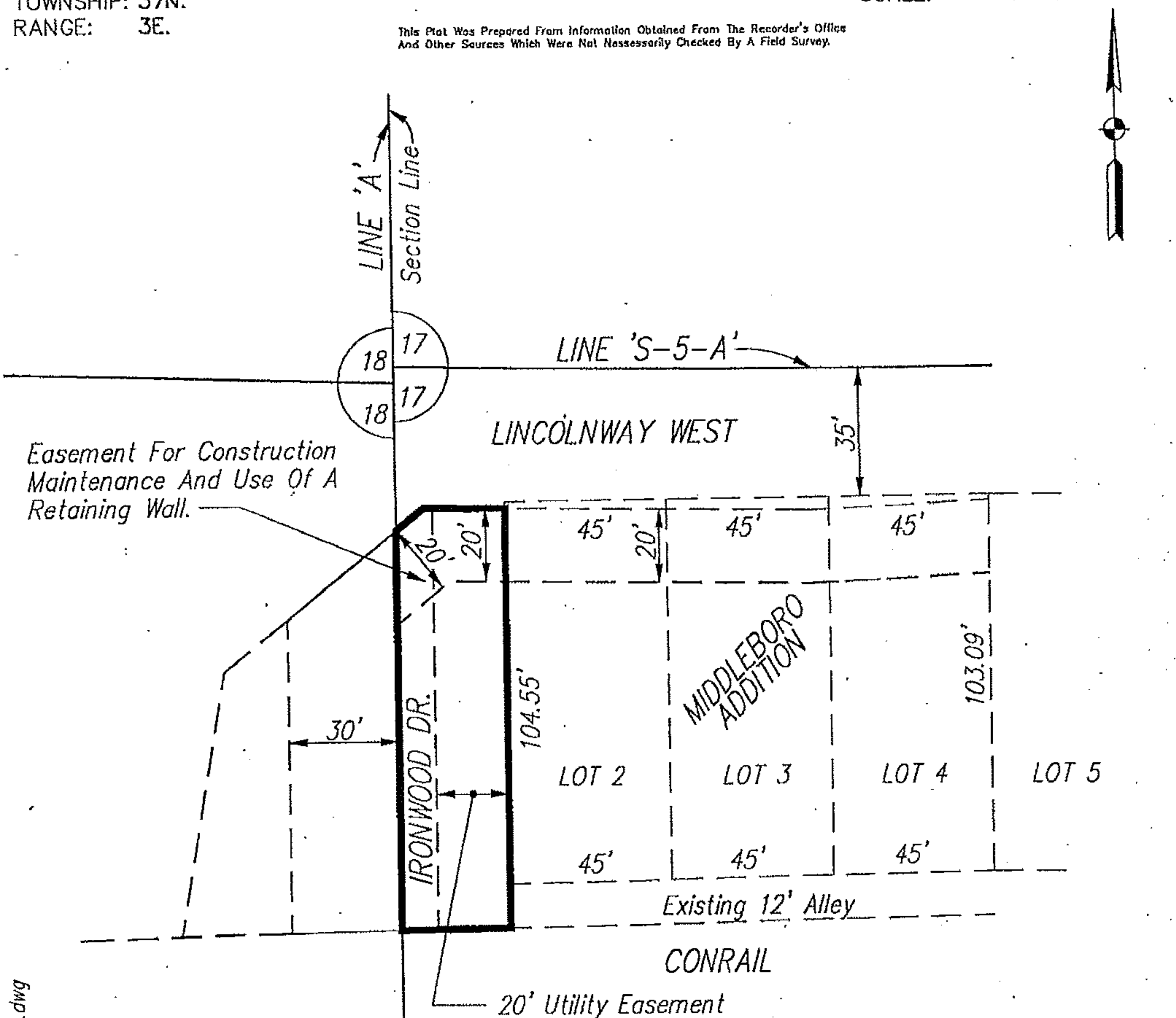

NORTH
PETITION 16-10
ROYS DR
N IRONWOOD DR
PETITION 16-10
LINCOLNWAY WEST
S IRONWOOD DR
W SIXTH ST
HUBBARD AVE
Location Map
PETITION 16-10
WEST OF
2807 LINCOLN WAY W.
VACATE PORTION OF UNIMPROVED
IRONWOOD ROAD (AFTER
REALIGNMENT)

PARCEL NO. –
PROJECT NO. S612–76
ROAD NO. IRONWOOD DR.
COUNTY: ST. JOSEPH
SECTION: 17
TOWNSHIP: 37N.
RANGE: 3E.

OWNER: City Of Mishawaka
Dedicated Right Of Way

SHEET 1 OF 3
DRAWN BY: MRT
DATE: 09–23–98
CHECKED BY: Jim Lietzan
DATE: 12–04–98
SCALE: 1"=40'

This Plat Was Prepared From Information Obtained From The Recorder's Office And Other Sources Which Were Not Nessessarily Checked By A Field Survey.




G:\transp\civil\projects\icon\parcel2a.dwg

Jam Michael Lietzan DATE: 12-7-98

JAMES MICHAEL LIETZAN
REGISTERED
No.
S0475
STATE OF
INDIANA
LAND SURVEYOR

LAND PLAT
BY
COLE ASSOCIATES INC.

2211 E. Jefferson Blvd. South Bend, Inc.

ARCEL NO:
ROJECT NO. S612-76
ROAD NO. Ironwood
COUNTY: St. Joseph
SECTION: 17
OWNSHIP: 37N
RANGE: 3E

OWNER: City of Mishawaka
Dedicated Right of Way

SHEET 2 OF 3
TYPED BY: C. Hume
DATE: 12/4/98
CHECKED BY: J. Lietzan
DATE: 12-7-98

DESCRIPTION FOR POSSIBLE R/W VACATION
OLD IRONWOOD DRIVE

A part of the Northwest Quarter of the Southwest Quarter of Section 17, Township 37 North, Range 3 East, City of Mishawaka, St. Joseph County, Indiana described as follows: Beginning at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 30.01 feet along the north line of CONRAIL to the original centerline of Ironwood Drive; thence North 00 degrees 00 minutes 00 seconds East 109.43 feet more or less along the original centerline of Ironwood Drive to the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76; thence North 50 degrees 56 minutes 41 seconds East 9.81 feet along the back side of said retaining wall to a point of intersection in said retaining wall; thence South 89 degrees 21 minutes 12 seconds East 22.39 feet along the back of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 114.76 feet more or less along said original east line to the point of beginning and containing 3,433 square feet, more or less.

The above described tract of land is subject to a perpetual easement in favor of the Board of Commissioners, St. Joseph County, Indiana and the Board of Public Works and Safety, City of Mishawaka for the construction, maintenance and use of a retaining wall described as follows: Commencing at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 30.01 feet along the north line of CONRAIL to the original centerline of Ironwood Drive; thence North 00 degrees 00 minutes 00 seconds East 83.67 feet more or less along the original centerline of Ironwood Drive to a point of 20.00 feet southeasterly of, as measured to, the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76 for the Point of Beginning of this description; thence North 00 degrees 00 minutes 00 seconds East 25.76 feet along said original centerline to the back side of said retaining wall; thence North 50 degrees 56 minutes 41 seconds East 9.81 feet along the back side of said retaining wall to a point of intersection in said retaining wall; thence South 89 degrees 21 minutes 12 seconds East 22.39 feet along

| | DATE: |
|---|---|
| JAMES MICHAEL LIETZAN REGISTERED No. S0475 STATE OF INDIANA LAND SURVEYOR | **LAND PLAT** by **COLE ASSOCIATES INC.** 2211 East Jefferson Boulevard, South Bend, IN 46615 |

ARCEL NO:
ROJECT NO. S612-76
OAD NO. Ironwood
OUNTY: St. Joseph
ECTION: 17
OWNSHIP: 37N
ANGE: 3E

OWNER: City of Mishawaka
Dedicated Right of Way

SHEET 3 OF 3
TYPED BY: C. Hume
DATE: 12/4/98
CHECKED BY: J. Lietzan
DATE: 12-7-98

## DESCRIPTION FOR POSSIBLE R/W VACATION
## OLD IRONWOOD DRIVE

he back side of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 20.00 feet along said original east line to a point 20.00 feet southerly of, as measured normal to, the back side of said retaining wall; thence North 89 degrees 21 minutes 12 seconds West 15.40 feet parallel with and 20.00 feet from, as measured north to, the back side of said retaining wall; thence South 50 degrees 56 minutes 41 seconds West 18.82 feet parallel with and 20.00 feet from, as measured normal to, the back side of said retaining wall to the point of beginning and containing 664 square feet, more or less.

The above described tract of land is also subject to a perpetual easement for utilities described as follows: Beginning at the intersection of the original east line of Ironwood Drive with the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 51 minutes 54 seconds West 20.00 feet along the north line of CONRAIL; thence North 00 degrees 00 minutes 00 seconds East 115.38 feet more or less to the back of a retaining wall as shown on the construction plans for the St. Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76; thence South 89 degrees 21 minutes 12 seconds East 20.00 feet along the back of said retaining wall to the original east line of Ironwood Drive; thence South 00 degrees 00 minutes 00 secnds West 114.76 feet more or less along said original east line to the point of beginning and containing 2,301 square feet, more or less.

| | DATE: |
|---|---|
| JAMES MICHAEL LIETZAN REGISTERED No. S0475 STATE OF INDIANA LAND SURVEYOR | **LAND PLAT** by **COLE ASSOCIATES INC.** 2211 East Jefferson Boulevard, South Bend, IN 46615 |

1st Reading 4-18-16
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, MMC
APR 14 2016
CITY CLERK
MISHAWAKA, IN

PETITION 16-13

CITY OF MISHAWAKA, INDIANA

PROPOSED ORDINANCE NO. 2016-07

ORDINANCE NO. ______

AN ORDINANCE AMENDING CHAPTER 137, OF THE MUNICIPAL CODE OF THE CITY OF MISHAWAKA, INDIANA, AS FROM TIME TO TIME AMENDED, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF 1966" OF THE CITY OF MISHAWAKA, INDIANA.

WHEREAS, the Plan Commission of the City of Mishawaka, Indiana, has recommended the reclassification of the zoning as herein set forth of the real estate hereinafter described.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, that:

Section 1. Chapter 137, of the Municipal Code of the City of Mishawaka, commonly known as "The Zoning Ordinance of 1966", be, and the same is hereby amended as follows:

A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 4 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 00°-00'-00" WEST ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 603.75 FEET TO THE PLACE OF BEGINNING; THENCE NORTH 89°-55'25' EAST, A DISTANCE OF 168.00 FEET; THENCE NORTH 0°-00'-00" EAST, A DISTANCE OF 102.00 FEET; THENCE NORTH 89°-55'-25" EAST, A DISTANCE OF 296.00 FEET TO THE CENTERLINE OF A VACATED 14 FEET NORTH-SOUTH ALLEY; THENCE SOUTH 0°-00'-00" WEST ALONG THE SAID CENTERLINE, A DISTANCE OF 286.00 FEET; THENCE SOUTH 89°-55'-25" WEST, A DISTANCE OF 464.00 FEET TO THE WEST LINE OF SAID SECTION 17; THENCE NORTH 0°-00'-00" EAST ALONG SAID WEST LINE, A DISTANCE OF 184.00 FEET TO THE PLACE OF BEGINNING CONTAINING 2.65 ACRES MORE OR LESS.

COMMON ADDRESS: 57000 Block Cedar Road (north of 124 Cedar Road)

which real estate is now classified as S-2 Planned Unit Development District and shall hereafter be amended to allow for two-family residential (duplex) development subject to the following PUD standards/conditions:

**Uses:**

1. Uses shall be limited to two-family residential (duplexes) as identified in the petition for rezoning.

Proposed Ordinance No: 2016-07

Ordinance No: ____________

**Setbacks:**

1. A minimum 22' front yard setback for Lots 1 through 7, 9 through 16, and 18 through 20.
2. A minimum 18' front yard setback for Lot 8.
3. A minimum 14' front yard setback for Lot 17.
4. A minimum 15' rear yard setback for Lots 9, 10, and 13 through 16.
5. A minimum 0' side yard setback for all lots.

**Lot Area:**

1. A minimum of lot area of 3,695 sq. ft.

**Lot Frontage:**

1. A minimum front lot width of 22.2' as measured at the ingress/egress easement (private road).

**Sanitary Sewer:**

1. The developer shall connect to City of Mishawaka sanitary sewer as directed by applicable codes and the City Director of Engineering. The costs associated with the extension/connection shall be the responsibility of the applicant/developer.

**Right-of-Way Dedication / Private Access Drive:**

1. A 40' half right-of-way must be dedicated from the centerline of Cedar Road.
2. The private access drive (cul-de-sac) shall be designed as directed by applicable codes and the City Director of Engineering.

**Parking:**

1. Each driveway shall be a minimum of 22' in length from the edge of pavement to the façade of each garage.

**Stormwater Management Infrastructure:**

1. The type of stormwater facilities proposed on the site shall be designed in accordance with applicable codes and as directed by the City Director of Engineering.

**Pedestrian Access/Circulation**

1. A sidewalk shall be installed along the east side of Cedar Road within the dedicated right-of-way to provide a pedestrian connection from the development extending southerly to the gas station/convenience store at the northeast corner of Cedar Road and Lincolnway East.

**Other:**

1. All other developmental standards not identified shall comply with the R-2 Two-Family Residential standards.

Section 2. The Common Council of the City of Mishawaka, Indiana, hereby finds that:

1. Existing Conditions – The subject parcel is vacant land located within an area of existing residential, commercial/office, and agricultural uses.

2. Character of Buildings – The character of the buildings within the surrounding area is mixed with residential (north) and commercial/office (south and west).

3. The most desirable/highest and best use – Because of the parcel's proximity to both single-family residential uses to the north and east and commercial and office uses to the south and west, the most desirable use for the property is a higher density residential use. Such a use will act as a buffer between the adjacent commercial/office and residential uses.

4. Conservation of property values - The proposed amendment to change the PUD development standards will not be injurious to property values in the surrounding area as a majority of the variances are internal to the development. Furthermore, a 7' high opaque privacy fence will be constructed along perimeter of development, except for along Cedar Road, providing a visual barrier from the adjacent properties.

5. Comprehensive Plan - This specific property was not identified in the City of Mishawaka Comprehensive Plan as it was recently annexed. However, the PUD amendment and proposed land use is reasonably consistent with the goals, objectives, and policies of the Comprehensive Plan.

Section 3. This Ordinance shall be in full force and effect from and after its passage, due attestation and legal publication.

PASSED by the Common Council of the City of Mishawaka, Indiana, this _________day of ____________________, 2016, at ________ o'clock ___.M.

______________________________
Presiding Officer

ATTEST:

______________________________
Deborah S. Block, IAMC, MMC, City Clerk

PRESENTED by me to the Mayor this ________ day of ____________________, 2016, at _________ o'clock ____.M.

____________________
Deborah S. Block, IAMC, MMC, City Clerk

APPROVED by me this ________ day of __________________, 2016, at ________o'clock ____.M.

______________________________
David A. Wood, Mayor

Date: March 23, 2016

RECEIVED
MAR 23 2016
BUILDING, PLANNING
COMMUNITY DEVELOPMENT

Pet 16-13

Honorable Members of the
Common Council
City of Mishawaka, Indiana and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

Re: PETITION FOR PUD AMENDMENT – Fiera Vista Villas P.U.D.

The Undersigned, John Ward, respectfully show they are the owner of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

Part of the Northwest Quarter of Section 17, Township, 37 North, Range 3 East, St. Joseph County, Indiana, described as beginning at point on the West line of said Section 17, 603.75 feet South of the Northwest corner thereof; thence running east 168 feet; thence North 102 feet; thence East 266 Feet; thence South 286 feet; thence West 464 feet to the West line of said Section 17; thence North on said West line 183.45 feet, more or less to the place of beginning. Together with the West ½ of the vacated alley lying East of and adjacent to the above described real estate.

Tax Key No. 27-1048-093613

Petitioner owns one hundred (100%) percent of the above described parcel of land which carries a zoning classification of S-2 Planned Unit Development specifically for duplex dwellings and a private cul-de-sac.

Petitioner desires said real estate to be amended to allow for the follow:
From a 25' minimum front yard setback to 22' for Lots 1 through 7, 9 through 19, 18 through 20;
From a 25' minimum front yard setback to 18' for Lot 8;
From a 25' minimum front yard setback to 14' for Lot 17;
From a 25' minimum rear yard setback to 15' for Lots 9, 10, and 13 through 16;
From a 5' minimum side yard setback to zero for all lots;
From a 6000 sf minimum lot area to 3695 sf; and
From a 60' minimum front lot width to 22.2', as measured at the ingress/egress easement (private road).

Wherefore, the petitioner pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted amending the PUD of the above described parcel of land located in the City of Mishawaka.

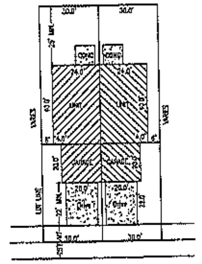
John Ward
1617 3rd Street
Osceola, Indiana 46564

RECEIVED
DEBORAH S. BLOCK, MMC
MAR 30 2016
CITY CLERK
MISHAWAKA, IN

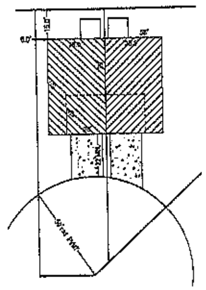
Contact Person
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 S. Michigan Street
South Bend, Indiana 46601

# FIERA VISTA VILLAS P.U.D.
## 1ST AMENDMENT

PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 4 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.



TYPICAL BUILDING
1" = 30'
(EXCLUDES UNITS 15 AND 16)



TYPICAL BUILDING
1" = 30'
UNITS 15 AND 16

STORM STRUCTURES

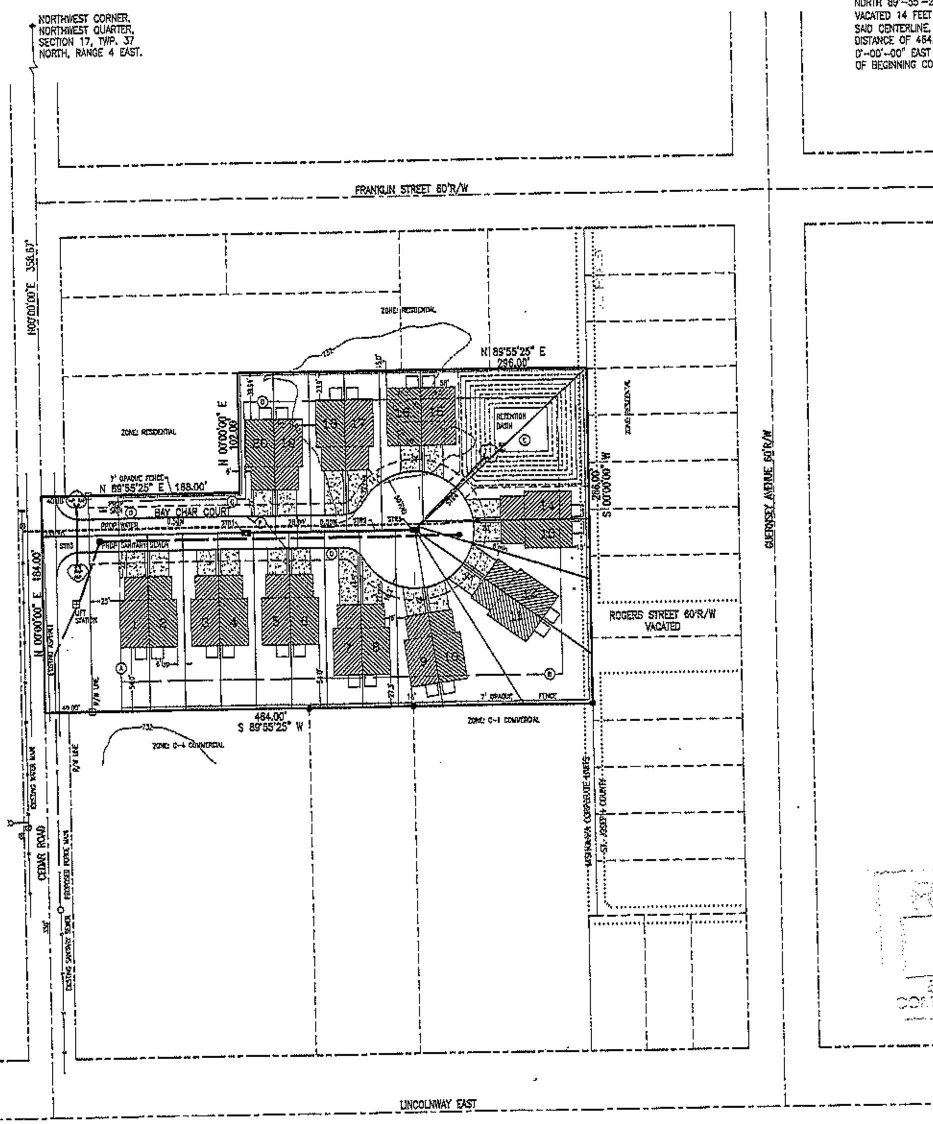
STRUCTURE No. 1
INLET
TC730.90
IE727.90

STRUCTURE No. 2
100 LF OF 12" PVC
0.50%

STRUCTURE No. 3
STANDARD INLET
TC730.20
IE727.20

STRUCTURE No. 4
80 LF OF 12" PVC
0.50%
WITH END SECTION
OUTLOT IE 726.8

STRUCTURE No. 5
30 LF OF 12" PVC
0.25 %
WITH 2 END SECTION
NORTH IE729.5
SOUTH IE729.38




DESCRIPTION
A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 4 EAST, CITY OF MISHAWAKA, PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 0°-00'-00" WEST ALONG THE WEST LINE OF SAID SECTION 17, A DISTANCE OF 603.75 FEET TO THE PLACE OF BEGINNING; THENCE NORTH 89°-55'-25" EAST, A DISTANCE OF 168.00 FEET; THENCE NORTH 0°-00'-00" EAST, A DISTANCE OF 102.00 FEET; THENCE NORTH 89°-55'-25" EAST, A DISTANCE OF 296.00 FEET TO THE CENTERLINE OF A VACATED 14 FEET NORTH-SOUTH ALLEY; THENCE SOUTH 0°-00'-00" WEST ALONG THE SAID CENTERLINE, A DISTANCE OF 286.00 FEET; THENCE SOUTH 89°-55'-25" WEST, A DISTANCE OF 464.00 FEET TO THE WEST LINE OF SAID SECTION 17; THENCE NORTH 0°-00'-00" EAST ALONG SAID WEST LINE, A DISTANCE OF 164.00 FEET TO THE PLACE OF BEGINNING CONTAINING 2.65 ACRES MORE OR LESS.

NOTES
1. TOTAL AREA: 2.65 ACRES
(2.48 AC EXCLUDING 40' CEDAR RD R/W)
2. CURRENT ZONING: S-2 PLANNED UNIT DEVELOPMENT
3. CURRENT USE: VACANT LAND
4. PROPOSED USE: 10 RESIDENTIAL DUPLEX DWELLINGS, MAXIMUM HEIGHT SHALL NOT EXCEED 2.5 STORIES OR 35'.
5. SERVED BY MUNICIPAL WATER AND SANITARY SEWER.

TABULATED DATA
(EXCLUDES 40' CEDAR ROAD R/W)

| | SF | ACREAGE | % |
|---|---|---|---|
| HOUSE/PATIO | 29200.00 | 0.67 | 26.99 |
| ASPH/CONC | 23545.29 | 0.54 | 21.76 |
| OPEN AREA | 55461.62 | 1.27 | 51.25 |
| TOTAL | 108206.91 | 2.48 | 100.00 |

LOT SIZE

| | |
|---|---|
| 1 = 7352.4 SF | 11 = 7448.5 SF |
| 2 = 4500.0 SF | 12 = 4975.6 SF |
| 3 = 4500.0 SF | 13 = 4048.1 SF |
| 4 = 4500.0 SF | 14 = 9058.8 SF |
| 5 = 4500.0 SF | 15 = 8134.4 SF |
| 6 = 4500.0 SF | 16 = 4737.5 SF |
| 7 = 4500.0 SF | 17 = 4080.0 SF |
| 8 = 4500.0 SF | 18 = 4080.0 SF |
| 9 = 4127.4 SF | 19 = 4080.0 SF |
| 10 = 5152.0 SF | 20 = 8431.9 SF |

LEGEND
Ⓐ 25' SETBACK LINE
Ⓑ 25' REAR YARD SETBACK LINE
Ⓒ 5' SIDE YARD SETBACK LINE
Ⓓ 10' DRAINAGE, UTILITY & ROADWAY MAINTENANCE EASEMENT
Ⓔ RETENTION EASEMENT
Ⓕ INGRESS/EGRESS EASEMENT (PRIVATE ROAD)
PROPOSED 8" DUCTILE WATER MAIN/FIREHYDRANT
PROPOSED PVC SANITARY SEWER LINE AND MANHOLE
PROPOSED INLET AND STORM SEWER LINE

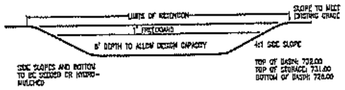
DRAINAGE CALCULATIONS

$$C_{TOTAL} = C_{BLDG} + C_{ASPH} + C_{OPEN}$$
$$= \frac{0.67}{2.48}(0.96) + \frac{0.54}{2.48}(0.92) + \frac{1.27}{2.48}(0.07)$$
$$= 0.259 + 0.200 + 0.035$$
$$= 0.494$$

$$Q = CIA$$
$$= 0.494(0.234)(2.48)$$
$$= 0.286 \text{ CFS}$$
$$= 0.286(24)(3600)$$
$$= 24710 \text{ CU FT } (1.06)$$
$$= 26193 \text{ CU FT REQUIRED}$$

RETENTION BASIN

$$= \frac{A_{TOP} + A_{BOTTOM}}{2}(\text{DEPTH})$$
$$= \frac{7894.97 + 1668.06}{2}(6')$$
$$= 28688.19 \text{ CU FT PROVIDED}$$




TYPICAL RETENTION BASIN SECTION
NOT TO SCALE



Pet 16-13

I, AFFIRM, UNDER PAINS AND PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Terance D. Lang

TERANCE D. LANG, RLS No. S-0523

TERANCE D. LANG REGISTERED No. S-0523 STATE OF INDIANA LAND SURVEYOR

0' 50' 100' 150'
SCALE: 1" = 50'

Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1841
Land Surveyors • Soil Scientists

| | | | |
|---|---|---|---|
| Scale | 1" = 50' | Drawn | TDL/tms |
| Date | 2-10-16 | Job Name | FieraVistaVillas-FinalSP |
| Rev. | 3-18-16 AMEND PUD | Job No. | 130-54 |
| Rev. | | | |

# CITY OF MISHAWAKA

**DAVID A. WOOD, MAYOR** **DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

April 14, 2016

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. Ross Deal, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Joe Canarecci, At-Large City Council
Mr. Matt Mammolenti, At-Large City Council
Mr. Bryan Tanner, At-Large City Council
Mrs. Deborah Block, City Clerk

RECEIVED
DEBORAH S. BLOCK, MMC
APR 14 2016
CITY CLERK
MISHAWAKA, IN

**RE: Resolution 2016-15**
**2015 Tax Abatement Compliance Reports**

Dear Council Members and Clerk:

Property owners who have applied for and been granted a tax abatement for either real or personal property on or after July 1, 1991, must file a report with the Mishawaka Common Council and the St. Joseph County Auditor's Office reporting the extent to which there has been compliance with the goals set forth in the Statement of Benefits filed at the time of the action granting the aforesaid abatement. Please note the Department of Local Government Finance requires one compliance form per project, thus, where applicable there are separate compliance forms for Real Estate (CF-1/Real Property) and Personal Property (CF-1/PP). There are eleven active tax abatements in the City of Mishawaka that required reporting for calendar year 2015. All companies have responded to our request to complete the Compliance with Statement of Benefits form. CF-1 forms/responses have been attached to this letter for your use and reference for all eleven of the active tax abatement recipients.

In short, six of the eleven active abatements are in compliance and have exceeded, nearly met, or are working toward expectations. Five projects are currently under construction. Based on the progress of these projects they should be considered in compliance noting that the estimated employment and salaries generation will be further evaluated on completion.

As you are aware, the CF-1 Compliance Forms for Real Estate and Personal Property are due to the County Auditor's Office by May 15th of each year. A copy of the history of the City's tax abatements from 1986 to present has been attached for your use. This summary identifies the current and recently closed abatements and is a good reference tool.

Staff has reviewed the information submitted by all companies. The abatements are listed by the age/date of approval of the abatement oldest to newest.

- **BD Mishawaka Development LLC** (St. Joseph Regional Medical Center Office Building)- It is important to note that this building, although connected to the hospital, is not owned by the hospital. Reporting for the LLC continues to be performed by Healthcare Realty out of Nashville, Tennessee.



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E-mail: planning@mishawakacity.com and communitydevelopment@mishawakacity.com

The total number of employees envisioned on the SB-1 in 2007 was 370 with a total estimated payroll of $10,555,000. As of December 31, 2015, 445 employees were occupying the building exceeding the total employment projections set in 2007 by 75. Annual salaries in 2015 were reported as $29,192,443, which is nearly two and half times the estimated payroll of $12,047,425 indicated in the original statement of benefits. Given that both the improvements and hiring were completed as committed, this abatement is in substantial compliance.

- **Jamil Packaging Corporation-** The CF-1 attached is for the abatement approved in 2011 for the addition of a specialty folder gluer. The total employment is up to 102 jobs, the same number as reported in last year's compliance report, and is 23 more than the projected total of 79. Estimated salaries for the abatement were listed at $2,706,000. The actual salaries with the additional employment are now at $4,180,692. Given that both the improvements and hiring were completed as committed and salaries were higher than the projected amounts, this abatement is in substantial compliance.

- **NAC (North American Composites)-** The CF-1 attached is for the abatement approved in 2012 for 1460 East 12th Street, for the North Central Indiana sales and distribution facility of North American Composites, headquartered in Lino Lakes, Minnesota. The total employment has increased to 16 jobs, which is the same number reported in last year's compliance report. This is six more jobs than the 10 that were estimated on the SB-1 when the abatement was filed. Total payroll was listed at $853,486 which is higher than the $750,000 listed on the SB-1. Given that the total employment, investment, and payroll is higher than the projected amounts, this abatement is in substantial compliance.

- **Long Term Care Investments V, LLC (5805 North Fir Road)-** The CF-1 attached is for the abatement approved in 2013 for a new rehabilitation and nursing center. Although approved in 2013, construction did not begin until October 2014 with an expected completion date of May 2016. As indicated in the attached correspondence, final touches are being made to the building, and a majority of the landscaping has been installed. Since construction is not yet complete and the center is yet to open, employment and salary cannot be evaluated at this time. This abatement should be considered in substantial compliance with the understanding that a more detailed analysis will occur in future years following completion and occupancy of the building.

- **Barak River Rock LLC-** The CF-1 attached is for the abatement approved in 2013 for a new mixed use building including apartments and first floor retail space along Mishawaka Avenue. Although approved in 2013, construction did not begin until late 2014 and is nearing completion. Per prior correspondence with the owner, it is anticipated that the project will be completed by June 2016. The total employment for the construction project is 4 jobs, which is close to the 5-8 jobs estimated on the SB-1 when the abatement was filed. Total payroll was listed as $390,000 ($32,000 per month) which is substantially higher than the approximate $200,000 listed on the SB-1. Since the improvements for the project as envisioned on the SB-1 are nearing completion, this abatement should be considered in substantial compliance noting that a more detailed analysis will occur in future years following completion and occupancy of the building.

- **WellPet LLC (Regrind System 2014)-** The CF-1 attached is for the abatement approved in 2014 for the equipment associated with a regrind system for the plant located at 1011 W. 11th Street. As indicated in last year's compliance report, the equipment has been installed and is in operation. The net values upon completion of the project was estimated at $16,705,633 on the SB-1 when the abatement was filed. The actual net values upon completion of the project is $19,663,704, exceeding the estimated values by $2,958,071. The total employment at the facility has increased beyond what was projected on the SB-1. When the abatement was filed the total existing employment was listed at 91 with an additional 6 jobs to be added. The total employment reported was 108. This is an increase



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of 17 positions, 11 greater than the 6 additional positions envisioned when the original SB-1 was filed. Total payroll was listed at $4,599,448 which is significantly higher than the $3,404,000 listed on the SB-1 and is commensurate to the additional hiring that occurred. Given that the total employment, investment, and payroll is higher than the projected amounts, this abatement should be considered in substantial compliance.

- **Deerborn Crane and Engineering Company, Inc.-** The CF-1 attached is for the abatement approved in 2014 for adding a 7,200 sq. ft. building addition, improving site drainage, re-grading and paving, and connecting to sanitary sewer for the plant located at 1133 E. Fifth Street. All proposed improvements included in this abatement request, originally estimated as a $750,000 investment, have been completed. Actual investment for the project was $859,146. The total employment at the facility is equal to what was projected on the SB-1 when the abatement was filed. When filed, the total existing employment was listed at 24 with an additional 3 jobs to be added. The total employment reported was 27. Total payroll was listed at $1,164,203.94 which is slightly lower than the $1,353,211 listed on the SB-1. It should be noted that the total estimated salaries of the 3 new jobs was $126,000 while actual salaries for the jobs was $145,788.96. Given that the total investment, employment, and payroll for the new jobs is higher than the projected amounts, this abatement is in substantial compliance.

- **WellPet LLC (High Speed Packaging Line 2015)-** The CF-1 attached is for the abatement approved in 2015 for the equipment associated with a high speed packaging line for the plant located at 1011 W. 11th Street. As indicated in the correspondence, the project was not completed in 2015 as installation of the new equipment is anticipated in the first half of 2016. Since the project is not complete, the actual value of construction, which is estimated at $1,800,000, is unknown. When the abatement was filed, the total existing employment was listed at 115 with an additional 4 jobs to be added. The total employment reported was 108, which is a decrease of 7 jobs. While the total number of jobs slightly decreased, the total payroll was listed at $4,599,448 which is significantly higher than the $3,898,000 listed on the SB-1. Given that the total employment is close to the project number and total payroll is higher than the projected amounts, this abatement should be considered in substantial compliance.

- **Barak Group, LLC (Iron Rock Café)-** The CF-1, which is not attached but anticipated to be received prior to the April 18th Council meeting, is for the abatement approved in 2015 for a new 1,500 sq. ft. commercial project, including a coffee shop, to be located at the corner of N. Hill Street and Ironworks Avenue. Since construction on the project has yet to begin, total investment, employment, and salary cannot be evaluated at this time. Given that this project is active and progressing as planned, this abatement should be considered in substantial compliance with the understanding that a more detailed analysis will occur in future years following completion of the project.

- **Barak Group, LLC (Iron Rock Condominiums)-** The CF-1, which is not attached but anticipated to be received prior to the April 18th Council meeting, is for the abatement approved in 2015 for a new 80,000 sq. ft. six-story residential condominium project to be located at the corner of N. Hill Street and Ironworks Avenue. Since construction on the project has yet to begin, total investment, employment, and salary cannot be evaluated at this time. Given that this project is active and progressing as planned, this abatement should be considered in substantial compliance with the understanding that a more detailed analysis will occur in future years following completion of the project.

- **Bayer Healthcare-** The CF-1 attached is for the abatement approved in 2015 for a new 60,000 sq. ft. office building to be located along Beacon Parkway north of the Indiana Toll Road. Since construction on the project has yet to begin, total investment, employment, and salary cannot be



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evaluated at this time. Given that this project is active and progressing as planned, this abatement should be considered in substantial compliance with the understanding that a more detailed analysis will occur in future years following completion of the project.

This compliance review is required to be received by the Auditor no later than May 15th. If additional information is desired, or if the Council would like to review any individual abatement by committee, please contact me at your earliest convenience so that we can arrange for the necessary participants to attend.

Thank you. Please contact me if you have any questions.

Sincerely,

Derek J. Spier, AICP
Senior Planner & Economic Development Specialist

cc: David A. Wood, Mayor

PLANNING • COMMUNITY DEVELOPMENT • REDEVELOPMENT • ECONOMIC DEVELOPMENT • HISTORIC PRESERVATION

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RESOLUTION NO. R-2016-15

# RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, APPROVING A REPORT OF COMPLIANCE WITH STATEMENT OF BENEFITS FOR CERTAIN PROPERTY OWNERS

**WHEREAS,** property owners who have applied for and been granted a tax abatement for either real or personal property on and after July 1, 1991, must file a report with the Mishawaka Common Council and the County Auditor reporting the extent to which there has been compliance with the goals set forth in the Statement of Benefits filed at the time of the action granting the aforesaid abatement, and

**WHEREAS,** nine (9) recipients of eleven (11) tax abatements have been found to be subject to this requirement, and each have submitted the proper reports, which have been reviewed and found to be in order.

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Mishawaka, Indiana:

1. That the "Compliance with Statement of Benefits" reports submitted by the following companies are found to be in order:

    - **BD SJRMC Mishawaka Development, LLC**
    - **Jamil Packaging Corporation**
    - **NAC North American Composites**
    - **Long Term Care Investments V, LLC**
    - **Barak River Rock, LLC**
    - **WellPet, LLC (Regrind System 2014 & High Speed Packaging Line 2015)**
    - **Deerborn Crane and Engineering Company, Inc.**
    - **Barak Group, LLC (Iron Rock Café & Iron Rock Condominiums)**
    - **Bayer Healthcare**

2. That the aforesaid property owners are hereby found to be in substantial compliance, and

3. That the President of the Mishawaka Common Council is hereby authorized to approve the aforementioned reports.

**ADOPTED** by the Common Council of the City of Mishawaka, St. Joseph County, Indiana, on this ________ day of ____________, 2016.

______________________________
Dale "Woody" Emmons, President

**ATTEST**:

______________________________
Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this ______ day of _________________, 2016.

______________________________
Deborah S. Block, City Clerk

APPROVED AND SIGNED by me on this ______day of ____________, 2016 at ______o'clock, ____.m.

______________________________
David A. Wood, Mayor

*HISTORY OF ALL TAX ABATEMENTS 1986-CURRENT*

| | Name | Common Council Approval Date | No. of Years Real Estate | No. of Years Machinery | No. of Retained Jobs (Proposed) | No. of New Jobs (Proposed) | No. of Retained Jobs (Actual) | No. of New Jobs (Actual) | Date of Latest CF1 Found | Capital Investment | Abated Through Collect CF-1s | Pay | Abatement Complete |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Patrick Industries | October 20, 1986 | 10 Years | | | 52 | | | (-) | $ 8,622,845.00 | 1997 | 1998 | YES |
| 2 | Former Baby Place | June 7, 1988 | 6 Years | 0 | 0 | 38.5 | | | (-) | $ 2,000,000.00 | 1995 | 1996 | YES |
| 3 | Wheelabrator Area | December 19, 1988 | 10 Years | | 338 | 246 | | | (-) | $ 2,500,000.00 | 1999 | 2000 | YES |
| 4 | National - Standard | February 21, 1989 | 6 Years | 5 Years | 15 | 180 | | | (-) | $10,100,000.00 | 1995 | 1996 | YES |
| 5 | Thermoplastics Phase I | November 20, 1989 | 6 Years | 5 Years | 151 | 13 | | | (-) | $ 2,500,000.00 | 1995 | 1996 | YES |
| 6 | Thermoplastics Phase II | November 20, 1989 | 3 Years | 5 Years | 155 | 20 | | | (-) | $ 3,200,000.00 | 1993 | 1994 | YES |
| 7 | Contech Division I | July 2, 1990 | 6 Years | | | 75 | | | (-) | $10,962,483.00 | 1996 | 1997 | YES |
| 8 | Hilti Steel | September 13, 1990 | 0 | 5 Years | n/a | 14 | | | (-) | $ 578,000.00 | 1996 | 1997 | YES |
| 9 | Penz Products Inc. | September 24, 1990 | 3 | 0 | 76 | 10 | | | (-) | $ 475,000.00 | 1994 | 1995 | YES |
| 10 | Dodge Reliance Electrical I | January 7, 1991 | 0 | 5 Years | 10 | 15 | | | (-) | $ 1,050,000.00 | 1996 | 1997 | YES |
| 11 | Janco Products, Inc. | May 6, 1991 | | 5 Years | 10 | 20 | | | (-) | $ 220,000.00 | 1996 | 1997 | YES |
| 12 | Thermoplastics Phase III | November 4, 1991 | 0 | 5 Years | 150 | 19 | 150 | 51 | Feb-93 | $ 2,750,000.00 | 1996 | 1997 | YES |
| 13 | National Steel Corporation | December 16, 1991 | 10 Years | | 250 | 130 | 250 | 32 | Mar-01 | $10,346,394.00 | 2002 | 2003 | YES |
| 14 | Maron Products, Inc. | February 3, 1992 | 0 | 5 Years | 38 | 10 | 41 | 11 | Feb-95 | $ 610,794.00 | 1998 | 1999 | YES |
| 15 | Dodge Reliance Electrical II | July 6, 1992 | 0 | 5 Years | 300+ | 0 | 300+ | 0 | Mar-96 | $ 3,000,000.00 | 1998 | 1999 | YES |
| 16 | Thermoplastic Phase IV | October 19, 1992 | 6 Years | | 210 | 50 | 210 | 148 | Mar-98 | $ 6,812,832.00 | 1999 | 2000 | YES |
| 17 | Contech Division II | April 19, 1993 | | 5 Years | 10 | | 15 | 108 | Mar-99 | $ 1,206,461.00 | 1999 | 2000 | YES |
| 18 | Dana/Ristance Corp./Standard Motor Products - Wire and Cable Div. | January 3, 1994 | 10 Years | | 80 | 60 | 42 | 88 | Mar-05 | $ 6,067,253.00 | 2004 | 2005 | YES |
| 19 | United Limo | September 6, 1994 | 6 Years | | 77 | 8 | 77 | 8 | Jan-01 | $ 1,262,200.00 | 2001 | 2002 | YES |
| 20 | Dearborn Crane | December 5, 1994 | 10 Years | 5 Years | 26 | 4 | 26 | 7 | May-99 | $ 612,841.00 | 2005 | 2006 | YES |
| 21 | Scott Brass II | December 18, 1995 | 10 Years | | 73 | 31 | 73 | 13 | Mar-06, Apr-01 | $11,934,000.00 | 2006 | 2007 | YES |
| 22 | Federal Window (Fedor) | December 18, 1995 | 6 Years | 5 Years | 8 | 8 | 8 | 26 | Apr-02, Mar-01 | $ 1,018,181.00 | 2002 | 2003 | YES |
| 23 | Maron Products, Inc. II | December 18, 1995 | | 5 Years | 6 | 4 | 2 | 8 | Apr-01 | $ 250,000.00 | 2001 | 2002 | YES |
| 24 | Quality Dining | April 15, 1996 | 10 Years | | 73 | 109 | 73 | 70 | Mar-06 | $ 5,087,402.00 | 2006 | 2007 | YES |
| 25 | Baycote Metal Finishing | January 6, 1997 | 6 Years | 5 Years | 70 | 15 | 79 | 7 | Jul-00 | $ 1,800,000.00 | 2003 | 2004 | YES |
| 26 | Krizman International | January 6, 1997 | 6 Years | | 225 | 20 | 225 | 20 | Jul-00 | $ 1,500,000.00 | 2003 | 2004 | YES |
| 27 | Troyer | March 3, 1997 | 3 Years | | 60 | 40 | | 0 | (-) | $ 1,100,000.00 | 2001 | 2002 | YES |
| 28 | Nyloncraft Incorporated | May 19, 1997 | 6 Years | 5 Years | 378 | 40 | 341 | 58 | Feb-02 | $ 7,598,531.00 | 2004 | 2005 | YES |
| 29 | Ristance Corporation | October 20, 1997 | 6 Years | 5 Years | 139 | 18 | | 0 | (-) | $ 3,600,000.00 | 2004 | 2005 | YES |
| 30 | DeWald Manufac. Inc./Power Gear/Engineered Solutions | October 20, 1997 | 6 Years | 5 Years | 62 | 15 | 62 | 40 | Mar-05 | $ 1,842,833.00 | 2004 | 2005 | YES |
| 31 | Thermoplastic Phase V | December 1, 1997 | 6 Years | 5 Years | 299 | 70 | 299 | 19 | Mar-00 | $ 3,181,310.00 | 2003 | 2004 | YES |
| 32 | Atchison/Dodge | December 1, 1999 | | 5 Years | 325 | 50 | 230 | | Mar-05 | $ 2,000,000.00 | 2006 | 2007 | YES |
| 33 | Sampson Fiberglass | March 6, 2000 | 3 Years | | 15 | 20 | 15 | 5 | Feb-01 | $ 375,000.00 | 2004 | 2005 | YES |
| 34 | RMG Foundry LLC | March 6, 2000 | | 5 Years | 325 | 50 | 202 | 0 | Feb-06 | $ 2,000,000.00 | 2006 | 2007 | YES |
| 35 | WF Associates (AMG Byrkit Facility) | November 19, 2001 | 10 Years | | 285 | 15 | 234 | 0 | Apr-11 | $ 2,650,000.00 | 2011 | 2012 | YES |
| 36 | Nyloncraft Incorporated | March 20, 2003 | | 5 Years | 396 | 16 | 320 | 9 | May-09 | $ 1,168,064.00 | 2009 | 2010 | YES |
| 37 | Nyloncraft Incorporated | November 6, 2003 | | 5 Years | 405 | 13 | 329 | 27 | May-09 | $ 2,730,304.00 | 2009 | 2010 | YES |
| 38 | Plastimatics Arts Corporation | August 18, 2004 | | 3 Years | 31 | 4 | 31 | 16 | May-06 | $ 1,450,290.00 | 2007 | 2008 | YES |
| 39 | Ironwood Enterprises, LLC | September 6, 2005 | 5 Years | | 14 | 49 | 27 | 34 | May-09 | $ 6,000,000.00 | 2010 | 2011 | YES |
| 40 | Daman Products Company | October 17, 2005 | | 3 Years | 95 | 6 | 82 | 23 | Feb-07 | $ 1,118,980.00 | 2007 | 2008 | YES |
| 41 | Culture Systems, Inc. | December 18, 2006 | 3 Years | 3 Years | 12 | 7 | 12 | 2 | May-09 | $ 1,200,000.00 | 2009 | 2010 | YES |
| 42 | Patrick Industries (Metals Div) | June 19, 2006 | 5 Years | 5 Years | 172 | 26 | | | Apr-10 | $ 4,600,000.00 | 2011 | 2012 | YES |
| 43 | Jamil Packaging Corporation | August 21, 2006 | | 3 Years | 51 | 5 | 51 | 5 | May-10 | $ 1,250,000.00 | 2010 | 2011 | YES |
| 44 | Nyloncraft Incorporated | December 6, 2007 | | 5 Years | 340 | 50 | 291 | 12 | Apr-13 | $ 2,185,000.00 | 2012 | 2013 | YES |
| 45 | BD Mishawaka Development LLC | February 4, 2008 | 10 Years | | 0 | 370 | 0 | 445 | Apr-16 | $46,000,000.00 | 2018 | 2019 | NO |
| 46 | Jamil Packaging Corporation | May 1, 2008 | | 3 Years | 64 | 5 | 62 | 11 | Apr-12 | $ 1,650,000.00 | 2011 | 2012 | YES |
| 47 | Long Term Care Investments, LLC (Douglas) | June 1, 2009 | 3 Years | | 0 | 120 | 0 | 67 | Apr-12 | $18,000,000.00 | 2012 | 2013 | YES |
| 48 | Jamil Packaging Corporation | May 16, 2011 | | 3 Years | 73 | 6 | 73 | 29 | Apr-16 | $ 900,000.00 | 2014 | 2015 | NO |
| 49 | North American Composites (NAC) | March 5, 2012 | | 3 Years | 0 | 10 | 0 | 16 | Apr-16 | $ 1,241,000.00 | 2015 | 2016 | NO |
| 50 | Long Term Care Investments, LLC (Fir) | October 7, 2013 | 4 Years | | 0 | 61 | | | Apr-16 | $15,000,000.00 | 2017 | 2018 | NO |
| 51 | Barak River Rock LLC | November 6, 2013 | 5 Years | | 0 | 5 | 0 | 4 | Apr-16 | $17,000,000.00 | 2018 | 2019 | NO |
| 52 | WellPet LLC | January 8, 2014 | | 5 Years | 91 | 6 | | | Apr-16 | $ 2,000,000.00 | 2018 | 2019 | NO |
| 53 | Deerborn Crane | May 19, 2014 | | 3 years | 24 | 3 | 24 | 3 | Apr-16 | $ 750,000.00 | 2017 | 2018 | NO |
| 54 | WellPet LLC | April 20, 2015 | | 5 Years | 115 | 4 | 108 | 0 | Apr-16 | $ 1,800,000.00 | 2020 | 2021 | NO |
| 55 | Barak Group LLC (Iron Rock Café) | September 21, 2015 | 5 Years | | | | | | Apr-16 | $ 450,000.00 | 2020 | 2021 | NO |
| 56 | Barak Group LLC (Iron Rock Condominiums) | September 21, 2015 | 5 Years | | | | | | Apr-16 | $10,000,000.00 | 2020 | 2021 | NO |
| 57 | Bayer Heathcare | October 19, 2015 | 10 Years | | 171 | 60 | | | Apr-16 | $12,500,000.00 | 2025 | 2026 | NO |
| 58 | Patrick Industries | February 15, 2016 | | 3 Years | 0 | 84 | | | N/A | $ 915,000.00 | 2019 | 2020 | NO |

HEALTHCARE REALTY
3310 West End Avenue, Suite 700
Nashville, Tennessee 37203
P 615.269.8175
www.healthcarerealty.com

APR 08 2016

April 4, 2016

Mr. Derek J. Spier, AICP
Senior Planner
City of Mishawaka
Department of Planning & Community Development
600 East Third Street
Mishawaka, IN 46544-2241

Re: 611 E. Douglas Road, Mishawaka IN
Form CF-1

Dear Mr. Spier,

Enclosed please find the Compliance with Statement of Benefits form (CF-1) for Real Estate Improvements located at the above referenced address.

If you have any questions, please don't hesitate to contact me at (615) 269-8396 or by e-mail at: ksullivan@healthcarerealty.com

Thank you,

Kim Sullivan

Kim Sullivan
Associate Vice President
Asset Management

cc: Rob Pryor, CPM, Senior Property Manager
Vince Brown, AEGIS

# COMPLIANCE WITH STATEMENT OF BENEFITS
# REAL ESTATE IMPROVEMENTS

State Form 51766 (R3 / 2-13)
Prescribed by the Department of Local Government Finance

| 20 15 PAY 20 16 |
|---|
| FORM CF-1 / Real Property |

**PRIVACY NOTICE**

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

*INSTRUCTIONS:*
1. *This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.*
2. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
3. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
4. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))*
5. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

| SECTION 1 | TAXPAYER INFORMATION |
|---|---|
| Name of taxpayer: HR of Indiana, LLC | County: St. Joseph |
| Address of taxpayer *(number and street, city, state, and ZIP code)*: 3310 West End Avenue, Nashville, TN 37203 | DLGF taxing district number: 71-022 |
| Name of contact person: Kim Sullivan | Telephone number: ( 615 ) 269-8396 |

| SECTION 2 | LOCATION AND DESCRIPTION OF PROPERTY | |
|---|---|---|
| Name of designating body: Common Council of the City of Mishawaka | Resolution number: R-2008-02 | Estimated start date *(month, day, year)*: 02/11/2008 |
| Location of property: 611 East Douglas Road, Mishawaka, IN 46545 | | Actual start date *(month, day, year)*: |
| Description of real property improvements: Construction of a 205,573 square foot medical office building and all parking as required. Building is connected to Saint Joseph Regional Medical Center Hospital. | | Estimated completion date *(month, day, year)*: |
| | | Actual completion date *(month, day, year)*: 08/01/2009 |

**SECTION 3 — EMPLOYEES AND SALARIES**

| EMPLOYEES AND SALARIES | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Current number of employees | 0 | 445 |
| Salaries | 0 | 29,192,433 |
| Number of employees retained | 0 | |
| Salaries | 0 | |
| Number of additional employees | 370 | |
| Salaries | 10,555,000 | |

**SECTION 4 — COST AND VALUES**

| COST AND VALUES | REAL ESTATE IMPROVEMENTS | |
|---|---|---|
| **AS ESTIMATED ON SB-1** | COST | ASSESSED VALUE |
| Values before project | | |
| Plus: Values of proposed project | 46,000,000 | |
| Less: Values of any property being replaced | | |
| Net values upon completion of project | 46,000,000 | |
| **ACTUAL** | COST | ASSESSED VALUE |
| Values before project | | |
| Plus: Values of proposed project | 37,765,910 | 18,102,700 |
| Less: Values of any property being replaced | | |
| Net values upon completion of project | 44,000,000 | |

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | | |
| Amount of hazardous waste converted | | |
| Other benefits: | | |

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed *(month, day, year)* |
|---|---|---|
| Kim Sullivan | AVP, Asset Management | 4/1/16 |

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991**

*INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)*

1. *Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).*
2. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ____________________

Reasons for the determination (*attach additional sheets if necessary*)

| Signature of authorized member | | Date signed *(month, day, year)* |
|---|---|---|
| Attested by: | Designating body | |

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

| Time of hearing | ☐ AM ☐ PM | Date of hearing *(month, day, year)* | Location of hearing |
|---|---|---|---|

**HEARING RESULTS** (*to be completed after the hearing*)

☐ Approved ☐ Denied (*see instruction 4 above*)

Reasons for the determination (*attach additional sheets if necessary*)

| Signature of authorized member | | Date signed *(month, day, year)* |
|---|---|---|
| Attested by: | Designating body | |

**APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]**

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

## 2015 Tax Info

| | Tenant | Employees | Salaries |
|---|---|---|---|
| 1 | SJRMC | 304 | $22,364,618.95 |
| 2 | Centre PC | 43 | $2,655,142.00 |
| 3 | Alick | 3 | $94,168.45 |
| 4 | Midwest Eye | 10 | $488,980.76 |
| 5 | Mishawaka Phar. | 6 | $227,393.05 |
| 6 | MRI | 8 | $654,668.00 |
| 7 | Southbend Lab | 71 | $2,707,462.00 |
| | | 445 | $29,192,433 |

1st Reading
2nd Reading
Passed
Failed
Continued To

RECEIVED
DEBORAH S. BLOCK, CMC
JAN 31 2008
CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. R 2008- 02 .

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA MAKING FINAL DETERMINATION AND CONFIRMING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA AS AN ECONOMIC REVITALIZATION AREA

**(BD SJRMC Mishawaka Development, LLC)**

CONFIRMING RESOLUTION

**WHEREAS**, the Common Council of the City of Mishawaka, Indiana (the "Common Council"), did pursuant to the "Deduction for Rehabilitation or Redevelopment of Real Property in Economic Development Revitalization Areas Act" (Indiana Code 6-1.1-12.1-1 et. seq.) as amended (hereinafter referred to as the "Act"), declare that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an "Economic Revitalization Area":

A lot or parcels of land described as follows:

1. Tax Keys #27-1059-1178.16; #27-1059-1177.01 and #27-1059-1177 with the legal description marked 'Exhibit A' and attached hereto;

More commonly known as vacant land on East Douglas Road.

All of the above described property being located within the municipal corporate limits of the City of Mishawaka, Indiana, and

**WHEREAS**, this declaration was effected by Resolution No. R 2007-21 (the "Declaratory Resolution") adopted by the Common Council on the 18th day of June, 2007; and

**WHEREAS**, under the provisions of the Act a copy of the Declaratory Resolution was filed for public inspection at the office of the St. Joseph County Assessor's Office; and

**WHEREAS**, pursuant to Indiana Code 5-3-1, public notice of the adoption and substance of the Declaratory Resolution was given; as well as setting forth that a public hearing would be held on February 4, 2008 to receive and hear all remonstrance and objections from interested persons; and

**WHEREAS**, pursuant to the Act, a copy of said public notice along with a copy of the Statement of Benefits (the "State of Benefits") of BD SJRMC Mishawaka Development, LLC (the "Applicant") was filed with each taxing unit in whose jurisdiction the property described in the above legal description is located; and

**WHEREAS**, on February 4, 2008, the Common Council received and heard all remonstrance and objections to the Declaratory Resolution from interested persons and considered the evidence;

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Mishawaka, Indiana:

1. That upon conclusion of said public hearing and consideration of evidence presented, it is now determined that the area described meets the qualifications for an Economic Revitalization Area; and

2. That the Declaratory Resolution is hereby modified and confirmed as follows:

   a) That the above described area shall be designated as an Economic Revitalization Area for a period of three (3) years beginning with the date of this resolution; and

   b) That the property tax deduction to which the property owner is entitled shall apply to real property pursuant to Section 3 of the Act; and

   c) That these deductions applicable for real property tax abatement and are limited to ten (10) years; and

   d) That the estimate of the value of the redevelopment is reasonable for projects of this nature; and

   e) That the description of the proposed redevelopment meets applicable standards for such development; and

   f) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment by the Applicant; and

   g) The estimate of the annual salaries of those individuals who will be employed o whose employment will be retained can be reasonably expected to result from the proposed described redevelopment by the Application; and

   h) That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and

   i) That the deduction will not be allowed unless the facility is constructed or rehabilitated to meet local code standards; and

   j) That the totality of benefits is sufficient to justify the granting of this requested deduction.

3. That the Statement of Benefits submitted by the Applicant is hereby approved, and the President of the Common Council is hereby authorized to execute the Statement of Benefits on behalf of the Common Council; and

4. That this determination is final except that an appeal may be taken and heard as provided under Section 2.5(d) and (e) of the Act.

5. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited to three (3) years from the date of the adoption of this Confirming Resolution by the Common Council.

6. The Common Council hereby finds and declares that even though the economic revitalization area designation made in this Resolution terminates in three (3) years from the date of the adoption of this Confirming Resolution by the Common Council, that limitation does not limit or reduce the ten (10) year period over which the Applicant is entitled to receive deductions from the assessed value of the redevelopment or rehabilitation of real property described in the Statement of Benefits approved by this Confirming Resolution.

Adopted by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana this 4th day of February, 2008.

John J. Roggeman

John J. Roggeman, President

Attest:

Deborah S. Block

Deborah S. Block, City Clerk

Presented by me to the Mayor of the City of Mishawaka, Indiana, on this 5th day of February, 2008.

Deborah S. Block

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this 9th day of February, 2008, at 7:22 o'clock p.m.

Jeffrey L. Rea

Jeffrey L. Rea, Mayor

**STATEMENT OF BENEFITS**
**REAL ESTATE IMPROVEMENTS**
State Form 51767 (R / 1-06)
Prescribed by the Department of Local Government Finance

FORM SB-1 / RE

*INSTRUCTIONS:*

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
2. *Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.*
3. *To obtain a deduction, Form 322 ERA, Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor.*
4. *Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1/RE annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1(b))*
5. *The schedules established under IC 6-1.1-12.1-4(d) effective July 1, 2000, apply to any statement of benefits filed on or after July 1, 2000. The schedules effective prior to July 1, 2000, shall continue to apply to those statement of benefits filed before July 1, 2000.*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer: BD SJRMC Mishawaka Development, LLC | |
| Address of taxpayer *(number and street, city, state, and ZIP code)*: 510 E. 96th. Street, Suite 250, PO Box 40509, Indpls, IN 46240 | |
| Name of contact person: David P. Durm | Telephone number: (317) 808-6449 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

| | | | |
|---|---|---|---|
| Name of designating body: See Application | | Resolution number: | |
| Location of property: Douglas Rd.Mishawaka, IN | County: St. Joseph | DLGF taxing district number: | |
| Description of real property improvements, redevelopment, or rehabilitation. *(use additional sheets if necessary)*: Exhibit A (See Attached) | | ESTIMATED Start Date: 6/1/07 | Completion Date: 10/1/08 |

**SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT**

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 615 ~~See attached~~ | $2,399,730 | 615 | $2,399,730 | 308 | $12,047,425 |

**SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

| NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential. | REAL ESTATE IMPROVEMENTS | |
|---|---|---|
| | COST | ASSESSED VALUE |
| Current values | ~~See Attached~~ | |
| Plus estimated values of proposed project | $46,000,000 | |
| Less values of any property being replaced | | |
| Net estimated values upon completion of project | $46,000,000 | |

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted *(pounds)* ________ Estimated hazardous waste converted *(pounds)* ________

Other benefits:

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed *(month, day, year)* |
|---|---|---|
| [signature] | Auth Rep | 4/19/07 |

## FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this Economic Revitalization Area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed Three (3) calendar years * *(see below)*. The date this designation expires is February 4, 2011.

B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements; ☒ Yes ☐ No
2. Residentially distressed areas ☐ Yes ☒ No

C. The amount of deduction applicable for redevelopment or rehabilitation is limited to $ N/A cost with an assessed value of $ N/A.

D. Other limitations or conditions *(specify)* N/A

E. The deduction for redevelopment or rehabilitation is allowed for Ten (10) years* *(see below)*.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above. (IC 6-1.1-12-3(b))

| Approved: *(signature and title of authorized member)* | Telephone number | Date signed *(month, day, year)* |
|---|---|---|
| John J. Roggeman John J. Roggeman, Pres | (574) 258-1616 | 02-04-2008 |
| Attested by: Deborah S. Block Deborah S. Block, City Clerk | Designated body Mishawaka Common Council | |

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

For residentially distressed areas, the deduction period may not exceed five (5) years. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years. For ERAs after June 30, 2000, the deduction period may not exceed ten (10) years. An area designated as an urban development area pursuant to an application filed after December 31, 1978, and prior to January 1, 1986, are entitled to a ten (10) year deduction.

# APPLICATION FOR TAX ABATEMENT
# CITY OF MISHAWAKA
# MISHAWAKA, INDIANA

Company Name: BD SJRMC Mishawaka Development, LLC

Address: 510 E.96th. St., Suite 250, PO Box 40509

Indianapolis, IN 46240

Contact Person: Don R. Dunbar

Title: Authorized Representative

Telephone No, (317) 816-8611 Fax (317) 816-8610

Type of Business Medical Office Developer

Description of Activities Cancer Treatment Center, Physician Office Space, Exam Rooms, Imaging, and Retail Space

## EXISTING FACILITY IN MISHAWAKA/SOUTH BEND AREA:

Number of current employees 0 Hourly: 0 Salary 0

Current wage scale (hourly worker only) N/A

Lowest entry level hourly level: N/A

Highest hourly rate: N/A

Employee Benefits:

Health Insurance Yes No

Employee share of cost: %

Vacation: %

Sick Leave: %

401K/retirement plan: %

Other:

Total current payroll: $ , N/A

PROPOSAL

Property Address:

Street Douglas Road, Mishawaka, IN 46545

Tax Key Number: To be split from #27-1059-1178.16; #27-1059-1177.01 and #27-1059-1177

Describe your project and provide estimated costs:

Real Estate: Construction of a 208,400 square foot medical office building and all parking as required. New building shall be connected to the new Saint Joseph Regional Medical Center Hospital. The current project is valued at over $46,000,000.

Manufacturing Equipment: Not applicable.

Location of expansion or new facility: Douglas Road, Mishawaka, IN 46545

If building a new facility or adding on to an existing building:

Have you selected a contractor? If so, who? Yes, Duke Construction.

Have you applied for a building permit? No

Do you need rezoning? No

Number of current jobs to be retained? 0

Number of current jobs to be created? 370.25

Of the new jobs created, how many will be filled by workers transferred to Mishawaka?

Unknown at this time

For the new jobs:

Lowest hourly wage: $11.87

Highest hourly wage: $27.15

The projected annual salaries for each new position created are estimated to be as follows:

*(If necessary, please use attachment)*

****Please see attachment****

Benefits that will apply (same as above?) Same

Estimated payroll of jobs to be retained: 0

Estimated payroll of new jobs to be created: $10,555,000

What type of abatement are you requesting?

Real Estate: Yes X No

How many years? ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☒ 10

Manufacturing: Yes ______ No X

How many years? ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10

What is your time schedule?

Start construction June 1, 2007

Order equipment N/A

Give a brief description of the over all nature of the business and of the operations occurring at the. Location for which tax abatement is requested:

The overall nature of the business is medical office space. The medical office space will be comprised of a cancer center, physician office spaces, exam rooms, imaging, and a small amount of retail space.

The current assessed valuation of the tangible personal property to be replaced by the manufacturing equipment is: $ N/A

*(This information can be obtained from the St. Joseph County Assessors Office 235-9523)*

The current use of the real property where the equipment is to be installed is: N/A

The current zoning of the real property is: C-8, commercial (City of Mishawaka)

*(Zoning Information can be obtained in the Mishawaka Planning Department 574-258-1625)*

List the real and personal property taxed paid at the location during the previous five (5) years, whether paid by the current owner of a previous owner:

| | Tax Year/Pay Year | Real Property Taxes | Personal Property Taxed |
|---|---|---|---|
| 1 | | $ 181.63 - Pd. 03/04 | $ |
| 2 | | $ 179.34-Pd. 04/05 | $ |
| 3 | | $ 197.76-Pd 05/06 | $ |
| 4 | | $ | $ |
| 5 | | $ | $ |

The equipment has not been installed as of the date of filing of this petition.
*(The signature at the end of this Petition is verification of this statement.)*

The standard Industrial Classification Manual major group within which the proposed project would be classified, by number and description:

Physician Office- 621111

The Internal Revenue Service Code of Principal Business Activity by which the proposed project would be classified, by number and description: NA

Describe how and why the manufacturing equipment to be replaced or the facility in which equipment will be added is currently technologically, economically, or energy obsolete and how and why that obsolescence may lead to a decline in employment and tax revenues: N/A

Will you require any other assistance from the City of Mishawaka? Explain:
Yes, permitting and development plan approval.

The new manufacturing equipment will be used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property and that the equipment was never before used by its owner for any purpose in Indiana. The signature below is verification of this statement.

Submitted by

[signature]

Auth. Rep.

Title

4/19/07

Date

- Attach the legal description of the property where the equipment is to be located, marked Exhibit A, and hereby incorporated herein.
- Attach a map and/or a plat of describing the property where the equipment is to be located, marked Exhibit B, and is hereby incorporated herein.
- Attach photographs of the property, taken within 30 days of filing of this petition, marked Exhibit C, and hereby incorporated herein.

FILE COPY

**EXHIBIT "A"**

Construction of a 208,400 square foot medical office building and all parking as required. New building shall be connected to the new Saint Joseph Regional Medical Center Hospital. The current project is valued at over $46,000.000.

# TAX ABATEMENT STAFFING ESTIMATE

| **BD SJRMC Mishawaka Development, LLC<br>Medical Office Building Tenants<br>MD & FTE Analysis** | | |
|---|---|---|
| **TENANT** | **MD'S** | **FTE'S** |
| Michiana Hematology & Oncology | 5 | 22.5 |
| Dr. Downs - The Centre, PC | 3 | 13.5 |
| Image Recovery | 0 | |
| SJRMC Radiation Oncology | 3 | 13.5 |
| Gerig Group | 4 | 15 |
| SJRMC Urology | 2 | 11 |
| Dr. O'Dea | 2 | 7.5 |
| Dr. Danahey (Plastics) | 1 | 5.5 |
| Dr. Gable | 3 | 13.5 |
| SJRMC Internal Medicine | 7 | 35 |
| Dr. Guentert (Pulmonology) | 2 | 9 |
| SJRMC-Riley Pediatric Clinic | 4 | 20 |
| SJRMC Pediatric Practice | 3 | 13.5 |
| OB/GYN Associates | 3 | 16.5 |
| SJRMC OB/GYN - Dr. McGuire | 2 | 11 |
| GVS | 4 | 22 |
| Midwest Cardiology | 3 | 13.5 |
| Cardiology Associates | 2 | 9 |
| Cardiodiagnostic JV | 3 | 13.5 |
| Cardiothoracic Surgery | 2.5 | 13.75 |
| Elkhart Clinic | 6 | 27 |
| | 64.5 | 305.75 |
| | | **370.25** |

| | Median Used | |
|---|---|---|
| FTE Benchmark: | 3.75 | 3.5 - 4.0 FTEs per MD - Surgery Practices |
| | 5.00 | 4.0 - 6.0 FTEs per MD - Primary Care |
| | 4.50 | 4.0 - 5.0 FTEs per MD - Specialists |
| | 5.50 | 4.0 - 7.0 FTEs per MD - Surgical Specialty (ENT, Ortho, Ophthal) |

Wage Collection Spreadsheet for Tax Abatement

| Position Title | SJRMC Title | Avg Annual Wage | Projected Annual Wage Adjustment Percentage (estimate average for next 2 years) | Benefits as a percentage of Total Compensation | Annual Bonus or Incentive Estimate (If applicable) |
|---|---|---|---|---|---|
| Practice Administrator | Manager, Medical Office | 49,192.00 | 3.50% | 33% | 2-16% |
| Registered Nurse | Registered Nurse | 54,309.00 | 4.00% | 33% | N/A |
| Medical Assistant | Medical Assistant | 26,749.00 | 3.00% | 33% | N/A |
| Technologist (Radiology, Echo, etc.) | Radiologic Tech | 47,154.00 | 4.00% | 33% | N/A |
| Billing Clerk | Account Resolution Specialist | 28,475.00 | 3.00% | 33% | N/A |
| Transcriptionist | Medical Transcriptionist | 29,640.00 | 3.00% | 33% | N/A |
| Coder | Coder/Health Data Abstractor | 37,252.80 | 3.00% | 33% | N/A |
| Receptionist | Receptionist | 24,710.40 | 3.00% | 33% | N/A |
| Medical Records Clerk | Coding Specialist | 31,803.00 | 3.00% | 33% | N/A |
| Insurance Verification Clerk | Health Information Clerk | 25,500.80 | 3.00% | 33% | N/A |
| Front Office or Billing Supervisor | Supervisor, Billing | 36,130.00 | 3.50% | 33% | 2-16% |
| Back Office or Clinical Supervisor | Supervisor, Medical Office | 34,132.80 | 3.50% | 33% | 2-16% |
| Medical Secretary | Receptionist - Medical Office | 23,732.80 | 3.00% | 33% | N/A |
| | | | | | |
| | | | | | |

Linda Rutkowske
Compensation Analyst
December 15, 2006

Property Description: Parcel 1 

A part Lot 1, St. Joseph Medical Edison Lakes Subdivision of the Northeast Quarter of Section 33, Township 38 North, Range 3 East of the 2nd Principal Meridian in Clay Township and the Northwest Quarter of Section 34, Township 38 North, Range 3 East of the 2nd Principal Meridian in Penn Township, all in St. Joseph County, Indiana, as per plat thereof recorded November 4, 2005 as Document Number 0551329 in the office of the Recorder of St. Joseph County, Indiana more particularly described as follows:

Commencing at a brass disk monument marking the Northwest Corner of said Section 34; thence North 89°59'51" East, 1943.64 feet along the north line of said Section 34 to the east line of said Lot 1 extended north; thence South 00°15'57" East, 40.00 feet along said line to the south line of a parcel of land described in deed to the City of Mishawaka in Document Number 0245873 recorded August 27, 2002 in the Office of the Recorder of St. Joseph County, Indiana and the point of beginning; thence continuing South 00°15'57" East, 991.22 feet along said east line to the intersection with a non-tangent curve to the right having a radius of 565.00 feet and subtended by a long chord bearing South 44%%D27'49" West a distance of 352.63 feet; thence southwesterly along said non-tangent curve 358.62 feet; thence South 62%%D38'50" West, 265.58 feet to the beginning of a curve to the left having a radius of 795.00 feet and subtended by a long chord bearing South 49%%D54'28" West a distance of 350.62 feet; thence southwesterly along said curve 353.53 feet; thence South 37%%D10'06" West, 137.24 feet to the beginning of a curve to the right having a radius of 1005.00 feet and subtended by a long chord bearing South 63%%D20'50" West a distance of 886.77 feet; thence southwesterly and westerly along said curve 918.39 feet; thence South 89%%D31'35" West, 380.60 feet to the beginning of a curve to the left having a radius of 355.00 feet and subtended by a long chord bearing South 72%%D35'53" West a distance of 206.73 feet; thence westerly along said curve 209.77 feet; thence South 01%%D31'21" East, 42.64 feet to the northeasterly right of way line of Edison Lakes Parkway being a non-tangent curve to the left having a radius of 2028.26 feet and subtended by long chord bearing North 50%%D04'07" West a distance of 15.32 feet; thence northwesterly along said non-tangent right of way line 15.32 feet; thence North 55%%D58'48" West, 159.72 feet along said right of way line; thence North 86%%D21'01" East, 39.74 feet to the beginning of a non-tangent curve to the right having a radius of 465.00 feet and subtended by a long chord bearing North 69%%D23'16" East a distance of 320.19 feet; thence easterly along said non-tangent curve 326.88 feet; thence North 89%%D31'35" East, 380.60 feet to the beginning a curve to the left having a radius of 895.00 feet and subtended by a long chord bearing North 63%%D20'50" East a distance of 789.71 feet; thence easterly and northeasterly along the arc of said curve 817.87 feet; thence North 37%%D10'06" East, 137.24 feet to the beginning of a curve to the right having a radius of 905.00 feet and subtended by a long chord bearing North 49%%D54'28" East a distance of 399.14 feet; thence northeasterly along said curve 402.44 feet; thence North 62%%D38'50" East, 265.58 feet to the beginning a curve to the left having a radius of 455.00 feet and subtended by a long chord bearing North 31%%D19'21" East a distance of 473.10 feet; thence northeasterly and northerly along said curve 497.52 feet; thence North 00%%D00'09" West, 55.25 feet; thence South 89%%D59'51" West, 10.00 feet; thence North 00%%D00'09" West, 165.00 feet; thence North 05%%D42'29" East, 100.50 feet; thence North 00%%D00'09" West, 420.78 feet to the south line of said City of Mishawaka Parcel; thence North 89%%D59'51" East, 47.04 feet along said south line to the point of beginning, and containing 7.957 acres more or less.

This description was prepared by Anthony J. Toscani, an Indiana Registered Land Surveyor, License Number LS20600010.

DLZ Indiana, LLC
2211 East Jefferson Boulevard
South Bend, Indiana 46615

# COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R3 / 11-15)
Prescribed by the Department of Local Government Finance

**FORM CF-1 / PP**

*INSTRUCTIONS:*
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15 of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer: Jamil Packaging Corporation | County: St. Joseph |
| Address of taxpayer *(number and street, city, state, and ZIP code)*: 1420 Industrial Dr, Mishawaka, IN 46544 | DLGF taxing district number: 71022 |
| Name of contact person: David Herschberger | Telephone number: ( 574 ) 256-2600 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY**

| | | |
|---|---|---|
| Name of designating body: City Of Mishawaka Common Council | Resolution number: R2011-08 | Estimated start date *(month, day, year)*: |
| Location of property: 1420 Industrial Dr, Mishawaka, IN 46544 | | Actual start date *(month, day, year)*: |
| Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired.: Expertfold 300 A-4 Specialty Folder Gluere | | Estimated completion date *(month, day, year)*: 07/15/2011 |
| | | Actual completion date *(month, day, year)*: |

**SECTION 3 — EMPLOYEES AND SALARIES**

| EMPLOYEES AND SALARIES | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Current number of employees | 73.00 | 102.00 |
| Salaries | 2,706,000.00 | 4,180,692.00 |
| Number of employees retained | 73.00 | 73.00 |
| Salaries | 2,706,000.00 | 2,733,400.00 |
| Number of additional employees | 6.00 | 29.00 |
| Salaries | 180,000.00 | 1,474,692.00 |

**SECTION 4 — COST AND VALUES**

| | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| **AS ESTIMATED ON SB-1** | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Values before project | 5,158,748.00 | | | | | | | |
| Plus: Values of proposed project | 900,000.00 | | | | | | | |
| Less: Values of any property being replaced | 350,531.00 | | | | | | | |
| Net values upon completion of project | 5,708,217.00 | | | | | | | |
| **ACTUAL** | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Values before project | 5,158,748.00 | | | | | | | |
| Plus: Values of proposed project | 846,673.17 | | | | | | | |
| Less: Values of any property being replaced | 350,531.00 | | | | | | | |
| Net values upon completion of project | 5,654,890.16 | | | | | | | |

**NOTE:** The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | | |
| Amount of hazardous waste converted | | |
| Other benefits: | | |

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed *(month, day, year)* |
|---|---|---|
| [signature] | CFO | 3/31/16 |

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.**

*INSTRUCTIONS: (IC 6-1.1-12.1-5.9)*

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found* ***NOT*** *to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the County Assessor and the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
5. *If the designating body determines that the property owner has* ***NOT*** *made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the County Auditor; and (3) the County Assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________________

Reasons for the determination (*attach additional sheets if necessary*)

| Signature of authorized member | Date signed (*month, day, year*) |
|---|---|
| | |

| Attested by: | Designating body |
|---|---|
| | |

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

| Time of hearing ☐ AM ☐ PM | Date of hearing (*month, day, year*) | Location of hearing |
|---|---|---|
| | | |

**HEARING RESULTS (*to be completed after the hearing*)**

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)

| Signature of authorized member | Date signed (*month, day, year*) |
|---|---|
| | |

| Attested by: | Designating body |
|---|---|
| | |

**APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]**

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the clerk of Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

NORTH AMERICAN COMPOSITES

**ELECTRONIC MAIL DELIVERY**

April 6, 2016

Mr. Kenneth B. Price, ASLA, AICP
City of Mishawaka
City Hall
600 East Third Street
Mishawaka, Indiana 46544-2241

Subject: **North American Composites Company, 1460 E. 12th Street, Mishawaka, IN 46544**

Dear Mr. Prince:

Enclosed you will find our Compliance with Statement of Benefits Personal Property Form (CF-1).

NAC did not add any new jobs or material handling equipment from April 1, 2015, through March 31, 2016. We employ 16 people with total annual salaries of $853,486.00.

This original letter and Form CF-1 will be mailed via U.S. Mail.

Please do not hesitate to contact me at (651) 766-5485.

Sincerely,

Jerry D. Davis

Jerry D. Davis
Vice President of Operations

300 APOLLO DRIVE
LINO LAKES, MINNESOTA 55014
TELEPHONE: (651) 766-5485
FACSIMILE: (651) 765-8378
EMAIL: JDAVIS@NACOMPOSITES.COM

# COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R3 / 11-15)
Prescribed by the Department of Local Government Finance

**FORM CF-1 / PP**

*INSTRUCTIONS:*
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15 of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).*

## SECTION 1 — TAXPAYER INFORMATION

| | |
|---|---|
| Name of taxpayer<br>NORTH AMERICAN COMPOSITES COMPANY | County |
| Address of taxpayer *(number and street, city, state, and ZIP code)*<br>1460 EAST 12TH STREET, MISHAWAKA, INDIANA 46544 | DLGF taxing district number |
| Name of contact person<br>JERRY D. DAVIS | Telephone number<br>( 651 ) 766-5485 |

## SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY

| | | |
|---|---|---|
| Name of designating body<br>CITY OF MISHAWAKA, INDIAIAN, DEPARTMENT OF BUILDING , COMMUNITY DEVELOPMENT | Resolution number<br>R2012-O5 & R2012-06 | Estimated start date *(month, day, year)* |
| Location of property<br>1460 EAST 12 STREET, MISHAWAKA, INDIANA 46544 | | Actual start date *(month, day, year)*<br>4/1/2015 |
| Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired.<br>NAC completed improvements to the building for the storage and handling of hazardous materials and purchased various types of material handing and transportation equipment. | | Estimated completion date *(month, day, year)*<br><br>Actual completion date *(month, day, year)*<br>3/31/2016 |

## SECTION 3 — EMPLOYEES AND SALARIES

| EMPLOYEES AND SALARIES | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Current number of employees | | 16.00 |
| Salaries | 750,000.00 | 853,486.00 |
| Number of employees retained | | 16.00 |
| Salaries | | 853,486.00 |
| Number of additional employees | 10.00 | 0.00 |
| Salaries | 750,000.00 | 0.00 |

## SECTION 4 — COST AND VALUES

| | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| AS ESTIMATED ON SB-1 | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Values before project | | | | | | | | |
| Plus: Values of proposed project | | | | | 611,000.00 | | 7,500.00 | |
| Less: Values of any property being replaced | | | | | | | | |
| Net values upon completion of project | | | | | 611,000.00 | | 7,500.00 | |
| ACTUAL | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Values before project | | | | | | | | |
| Plus: Values of proposed project | | | | | 1,554,744.00 | | 22,000.00 | |
| Less: Values of any property being replaced | | | | | | | | |
| Net values upon completion of project | | | | | 1,554,744.00 | | 22,000.00 | |

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).

## SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | 0.00 | 0.00 |
| Amount of hazardous waste converted | 0.00 | 0.00 |
| Other benefits: | 0.00 | 0.00 |

## SECTION 6 — TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed *(month, day, year)* |
|---|---|---|
| Jerry D. Davis | VICE PRESIDENT OF OPERATIONS | APRIL 6, 2016 |

**SOPKO, NUSSBAUM, INABNIT & KACZMAREK**
ATTORNEYS AT LAW
5TH FLOOR - PLAZA BUILDING
210 S. MICHIGAN STREET
SOUTH BEND, INDIANA 46601
TELEPHONE (574) 234-3000
FACSIMILE (574) 234-4220
E-MAIL ADDRESS: SNI@SNI-LAW.COM

RICHARD A. NUSSBAUM, II*
BRENT E. INABNIT**
MATTHEW R. KACZMAREK
CHRISTOPHER M. KEEFER
JOSHUA A. VISSER
KEVIN E. WARREN
NICHOLAS J. DERDA
JAMES P. KENNEDY

*ALSO ADMITTED IN MICHIGAN
**ALSO ADMITTED IN ILLINOIS

*OF COUNSEL*
THOMAS C. SOPKO

APR 04 2016

March 31, 2016
(Via Email Transmission and Regular Mail)

Ken Prince, Director
Planning and Development Department
City of Mishawaka
600 East 3rd Street
Mishawaka, Indiana 46544

Re: Tax Abatement Compliance
Long Term Care Investments V, LLC Compliance with Statement of Benefits
5805 N. Fir Road, Granger, Indiana

Dear Mr. Prince:

Enclosed please find Long Term Care Investments V, LLC's Compliance with Statement of Benefits Real Estate Improvements Form CF-1. By way of an update, construction on the facility began in October of 2014 and construction is nearly complete. At the present time, the final touches are being made on the building, and the majority of landscaping is complete. The anticipated final completion date is May 1, 2016.

Please contact me should you have any questions or if you need any additional information.

Very truly yours,

Brent E. Inabnit
brenti@sni-law.com

BEI:jh
Enclosures
cc: Long Term Care Investments V, LLC (w/enclosure)

P:\WP51\DOC\ATT\NJD\LTCI\2016 Prince Letter.wpd

# COMPLIANCE WITH STATEMENT OF BENEFITS
# REAL ESTATE IMPROVEMENTS

State Form 51766 (R3 / 2-13)
Prescribed by the Department of Local Government Finance

| 20 16 PAY 20 17 |
|---|
| FORM CF-1 / Real Property |

**PRIVACY NOTICE**

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

*INSTRUCTIONS:*
1. *This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.*
2. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
3. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
4. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))*
5. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

| SECTION 1 | TAXPAYER INFORMATION |
|---|---|
| Name of taxpayer: Long Term Care Investments V, LLC | County: St. Joseph |
| Address of taxpayer *(number and street, city, state, and ZIP code)*: 1620 N. Ironwood Drive, South Bend, Indiana 46635 | DLGF taxing district number: 036 |
| Name of contact person: Andrew W. Place | Telephone number: ( 574 ) 259-4858 |

| SECTION 2 | LOCATION AND DESCRIPTION OF PROPERTY | |
|---|---|---|
| Name of designating body: City of Mishawaka Common Council | Resolution number: 2013-18 | Estimated start date *(month, day, year)*: 10/21/2013 |
| Location of property: 5805 N. Fir Road, Granger, Indiana 46530 | | Actual start date *(month, day, year)*: 10/1/2014 |
| Description of real property improvements: Construction of a new one-story Skilled Nursing Care Facility consisting of 55,880 sq. ft., containing 84 beds, and having an estimated cost of $14-$15 million plus $1.5 million for fixtures and furniture. | | Estimated completion date *(month, day, year)*: 5/1/2016 |
| | | Actual completion date *(month, day, year)*: |

**SECTION 3 — EMPLOYEES AND SALARIES**

| EMPLOYEES AND SALARIES | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Current number of employees | 0 | 0 |
| Salaries | 0 | 0 |
| Number of employees retained | 0 | 0 |
| Salaries | 0 | 0 |
| Number of additional employees | 61 Full Time | 0 |
| Salaries | $2,161,524.00 | 0 |

**SECTION 4 — COST AND VALUES**

| COST AND VALUES | REAL ESTATE IMPROVEMENTS | |
|---|---|---|
| **AS ESTIMATED ON SB-1** | COST | ASSESSED VALUE |
| Values before project | 0 | 48,600.00 |
| Plus: Values of proposed project | 16,500,000.00 | |
| Less: Values of any property being replaced | 10,000.00 | |
| Net values upon completion of project | 16,490,000.00 | |
| **ACTUAL** | COST | ASSESSED VALUE |
| Values before project | 0 | 52,200.00 |
| Plus: Values of proposed project | 14,500,000 | |
| Less: Values of any property being replaced | 10,000.00 | |
| Net values upon completion of project | 14,490,000 | |

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | 0 | 0 |
| Amount of hazardous waste converted | 0 | 0 |
| Other benefits: | | N/A |

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed *(month, day, year)* |
|---|---|---|
| | Attorney | March 31, 2016 |

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991**

*INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)*

1. *Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).*
2. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ____________________

Reasons for the determination (*attach additional sheets if necessary*)

| | |
|---|---|
| Signature of authorized member | Date signed *(month, day, year)* |
| Attested by: | Designating body |

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

| Time of hearing | ☐ AM ☐ PM | Date of hearing *(month, day, year)* | Location of hearing |
|---|---|---|---|

**HEARING RESULTS** *(to be completed after the hearing)*

☐ Approved ☐ Denied (*see instruction 5 above*)

Reasons for the determination (*attach additional sheets if necessary*)

| | |
|---|---|
| Signature of authorized member | Date signed *(month, day, year)* |
| Attested by: | Designating body |

**APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]**

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

# COMPLIANCE WITH STATEMENT OF BENEFITS
# REAL ESTATE IMPROVEMENTS

State Form 51766 (R3 / 2-13)
Prescribed by the Department of Local Government Finance

| 20____ PAY 20____ |
|---|
| **FORM CF-1 / Real Property** |

| PRIVACY NOTICE |
|---|
| The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d). |

*INSTRUCTIONS:*
1. *This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.*
2. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
3. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
4. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))*
5. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer: Barak River Rock, LLC | County: St. Joseph |
| Address of taxpayer *(number and street, city, state, and ZIP code)*: 300 S. St. Louis Blvd 46617 | DLGF taxing district number: 71-023 |
| Name of contact person: Scott Sivan, Managing Partner | Telephone number: (574) 302 7236 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY**

| | | |
|---|---|---|
| Name of designating body: Common Council of the City of Mishawaka | Resolution number | Estimated start date *(month, day, year)*: 9/01/15 |
| Location of property: Lots 1-9 & 19-26 in the Plat of Lawrence and Battell Subdivision BL 27 | | Actual start date *(month, day, year)*: 1/04/16 |
| Description of real property improvements: Development and Construction of 139,000 sf Mixed-Use Residential/Retail Project 73 units | | Estimated completion date *(month, day, year)*: 8/31/16 |
| | | Actual completion date *(month, day, year)*: |

**SECTION 3 — EMPLOYEES AND SALARIES**

| EMPLOYEES AND SALARIES | | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|---|
| Current number of employees | 4 | | |
| Salaries | 32,500 Per month | | |
| Number of employees retained | N/A | | |
| Salaries | N/A | | |
| Number of additional employees | N/A | | |
| Salaries | N/A | | |

**SECTION 4 — COST AND VALUES**

| COST AND VALUES | REAL ESTATE IMPROVEMENTS | |
|---|---|---|
| **AS ESTIMATED ON SB-1** | COST | ASSESSED VALUE |
| Values before project | 155,000 | |
| Plus: Values of proposed project | 14,500,000 | Def. Under Reg. 17 |
| Less: Values of any property being replaced | 155,000 | |
| Net values upon completion of project | 14,345,000 | Def. Under Reg. 17 |
| **ACTUAL** | COST | ASSESSED VALUE |
| Values before project | | |
| Plus: Values of proposed project | | |
| Less: Values of any property being replaced | | |
| Net values upon completion of project | | |

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | | |
| Amount of hazardous waste converted | | |
| Other benefits: | | |

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed *(month, day, year)* |
|---|---|---|
| [signature] | Managing Partner | 3.23.16 |

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991**

*INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)*

1. *Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).*
2. *If the property owner is found* ***NOT*** *to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has* ***NOT*** *made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ____________________

Reasons for the determination (*attach additional sheets if necessary*)

| Signature of authorized member | Date signed *(month, day, year)* |
|---|---|
| Attested by: | Designating body |

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

| Time of hearing ☐ AM ☐ PM | Date of hearing *(month, day, year)* | Location of hearing |
|---|---|---|

**HEARING RESULTS** ***(to be completed after the hearing)***

☐ Approved ☐ Denied (*see instruction 4 above*)

Reasons for the determination (*attach additional sheets if necessary*)

| Signature of authorized member | Date signed *(month, day, year)* |
|---|---|
| Attested by: | Designating body |

**APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]**

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

# COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

**FORM CF-1 / PP**

State Form 51765 (R3 / 11-15)
Prescribed by the Department of Local Government Finance

*INSTRUCTIONS:*
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1, and May 15, of each year, unless a filing extension under 1C 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-I).*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer: WELLPET LLC | County: St. Joseph |
| Address of taxpayer (street and number, city, state and ZIP code): 1011 West 11th Street Mishawaka IN 46544 | DLGF taxing district number: 71-023 |
| Name of contact person: Michelle Tatgenhorst | Telephone number: 574-257-7834 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY**

| | | |
|---|---|---|
| Name of designating body: Mishawaka Common Council | Resolution number: R 2014 - 4 | Estimated start date (month, day, year): 04/29/2014 |
| Location of property: 1121 West 11th Street MISHAWAKA IN 46544 | | Actual start date (month, day, year): / / |
| Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. See Attached *Regrind System: An Overiew - December 2013 | | Estimated completion date (month, day, year): 11/25/2014 |
| | | Actual completion date (month, day, year): / / |

**SECTION 3 — EMPLOYEES AND SALARIES**

| EMPLOYEES AND SALARIES | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Current number of employees | 91 | 108 |
| Salaries | 3,404,000 | 4,599,448 |
| Number of employees retained | 91 | 91 |
| Salaries | 3,404,000 | 3,404,000 |
| Number of additional employees | 6 | 17 |
| Salaries | 197,000 | 1,195,448 |

**SECTION 4 — COST AND VALUES**

| | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| AS ESTIMATED ON SB-1 | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Values before project | 14,705,633 | | | | | | | |
| Plus: Values of proposed project | 2,000,000 | | | | | | | |
| Less: Values of any property being replaced | | | | | | | | |
| Net values upon completion of project | 16,705,633 | | | | | | | |
| ACTUAL | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Values before project | 18,191,806 | 5,685,054 | | | | | | |
| Plus: Values of proposed project | 1,471,898 | 824,263 | | | | | | |
| Less: Values of any property being replaced | | | | | | | | |
| Net values upon completion of project | 19,663,704 | 6,509,317 | | | | | | |

**NOTE:** The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | 1,500,000 | 2,053,209 |
| Amount of hazardous waste converted | | |
| Other benefits: | | |

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed (month, day, year) |
|---|---|---|
| Michelle Tatgenhorst | CONTROLLER | 4/7/16 |



Client/Loc

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.**

*INSTRUCTIONS: (IC 6-1.1-12-5.9)*

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to. (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other *(specify)* ______________________

Reasons for the determination *(attach additional sheets if necessary)*

| Signature of authorized member | Date signed *(month, day, year)* |
|---|---|
| | |

| Attested by: | Designating body |
|---|---|
| | |

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

| Time of hearing ☐AM ☐PM | Date of hearing *(month, day, year)* | Location of hearing |
|---|---|---|
| | | |

***HEARING RESULTS (to be completed after the hearing)***

☐ Approved ☐ Denied *(see insruction 5 above)*

Reasons for determination *(attach additional sheets if necessary)*

| Signature of authorized member | Date signed *(month, day, year)* |
|---|---|
| | |

| Attested by: | Designating body |
|---|---|
| | |

**APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]**

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

# COMPLIANCE WITH STATEMENT OF BENEFITS
# PERSONAL PROPERTY

**FORM CF-1 / PP**

State Form 51765 (R3 / 11-15)
Prescribed by the Department of Local Government Finance

INSTRUCTIONS:
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1, and May 15, of each year, unless a filing extension under 1C 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-l).*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer: WELLPET LLC | County: St. Joseph |
| Address of taxpayer (street and number, city, state and ZIP code): 1011 West 11th Street, Mishawaka IN 46544 | DLGF taxing district number: 71-023 |
| Name of contact person: Michelle Tatgenhorst | Telephone number: 574-257-7834 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY**

| | | |
|---|---|---|
| Name of designating body: Mishawaka Common Council | Resolution number: R 2014 - 4 | Estimated start date (month, day, year): 04/29/2014 |
| Location of property: 1121 West 11th Street, MISHAWAKA IN 46544 | | Actual start date (month, day, year): / / |
| Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. See Attached *Regrind System: An Overiew - December 2013 | | Estimated completion date (month, day, year): 11/25/2014 |
| | | Actual completion date (month, day, year): / / |

**SECTION 3 — EMPLOYEES AND SALARIES**

| EMPLOYEES AND SALARIES | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Current number of employees | 91 | 108 |
| Salaries | 3,404,000 | 4,599,448 |
| Number of employees retained | 91 | 91 |
| Salaries | 3,404,000 | 3,404,000 |
| Number of additional employees | 6 | 17 |
| Salaries | 197,000 | 1,195,448 |

**SECTION 4 — COST AND VALUES**

| | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| AS ESTIMATED ON SB-1 | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Values before project | 14,705,633 | | | | | | | |
| Plus: Values of proposed project | 2,000,000 | | | | | | | |
| Less: Values of any property being replaced | | | | | | | | |
| Net values upon completion of project | 16,705,633 | | | | | | | |
| ACTUAL | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Values before project | 18,191,806 | 5,685,054 | | | | | | |
| Plus: Values of proposed project | 1,471,898 | 824,263 | | | | | | |
| Less: Values of any property being replaced | | | | | | | | |
| Net values upon completion of project | 19,663,704 | 6,509,317 | | | | | | |

NOTE: The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | 1,500,000 | 2,053,209 |
| Amount of hazardous waste converted | | |
| Other benefits: | | |

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed (month, day, year) |
|---|---|---|
| Michelle Tatgenhorst | CONTROLLER | 4/7/16 |



Client/Loc

## OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.

*INSTRUCTIONS: (IC 6-1.1-12-5.9)*

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found* ***NOT*** *to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has* ***NOT*** *made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to. (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other *(specify)* ____________________

Reasons for the determination *(attach additional sheets if necessary)*

| Signature of authorized member | Date signed *(month, day, year)* |
|---|---|
| | |

| Attested by: | Designating body |
|---|---|
| | |

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

| Time of hearing ☐AM ☐PM | Date of hearing *(month, day, year)* | Location of hearing |
|---|---|---|
| | | |

### *HEARING RESULTS (to be completed after the hearing)*

☐ Approved ☐ Denied *(see insruction 5 above)*

Reasons for determination *(attach additional sheets if necessary)*

| Signature of authorized member | Date signed *(month, day, year)* |
|---|---|
| | |

| Attested by: | Designating body |
|---|---|
| | |

**APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]**

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

WellPet
at the heart of all we do

April 10, 2015

Ken Prince, City Planner
City of Mishawaka
600 E. 3rd Street
PO Box 363
Mishawaka, IN 46544

Dear Mr. Prince,

Thank you and the City of Mishawaka for your support in 2014 of our investment project, the Regrind System. The designation as an Economic Revitalization Area and award of a Tax Abatement were key in our decision to proceed with this investment.

As requirement of this designation, we are submitting the Compliance with Statement of Benefits of Personal Property, Form CF-1/PP, which reports on the associated compliance with promised benefits of the project.

Please be aware, that in Section 4 of this report, we are reporting *estimated* Manufacturing Equipment 'Values before project' due to our tax consultants not yet having completed the annual calculations and form. The information requested in Section 3, which reports on Number of Employees and Salaries is accurate.

Also note that the Solid Waste Converted estimated in the original abatement request was 1.5 million pounds. This report will show a number less than that, as the 1.5 million was an annual estimate and our investment was not implemented until the November of 2014. We expected full compliance on this item in 2015.

Please feel free to contact me with any further questions.

Thank you,

Michele Tatgen

Michelle Tatgenhorst
Plant Controller

200 Ames Pond Drive • Tewksbury, MA 01876-1274 • 978.289.5533 • 800.255.0904 • www.wellpet.com

**STATEMENT OF BENEFITS**
**PERSONAL PROPERTY**
State Form 51764 (R3 / 12-13)
Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**PRIVACY NOTICE**
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

*INSTRUCTIONS*

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer: WellPet LLC | Name of contact person: Michelle Tatgenhorst |
| Address of taxpayer *(number and street, city, state, and ZIP code)*: 1011 West 11th Street | Telephone number: ( 574 ) 259-7834 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

| | | |
|---|---|---|
| Name of designating body: Mishawaka Common Council | | Resolution number (s): |
| Location of property: 1121 West 11th Street., Mishawaka, IN 46544 | County: St. Joseph | DLGF taxing district number: 71-023 |

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. *(Use additional sheets if necessary.)*
SEE ATTACHED "REGRIND SYSTEM: An Overview - December 2013"

| | ESTIMATED START DATE | ESTIMATED COMPLETION DATE |
|---|---|---|
| Manufacturing Equipment | 04/29/2014 | 11/25/2014 |
| R & D Equipment | | |
| Logist Dist Equipment | | |
| IT Equipment | | |

**SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT**

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 91 | $3,404,000 | 91 | $3,404,000 | 6 | $197,000 |

**SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

| NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential. | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Current values | 14,705,633.( | | | | | | | |
| Plus estimated values of proposed project | 2,000,000.0( | | | | | | | |
| Less values of any property being replaced | | | | | | | | |
| Net estimated values upon completion of project | 16,705,633.( | | | | | | | |

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted *(pounds)* 1,500,000 Estimated hazardous waste converted *(pounds)* ______

Other benefits:
Increases production capabilities by 1,500,000 pounds.

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| | |
|---|---|
| Signature of authorized representative: Michelle Tatgenhorst | Date signed *(month, day, year)*: 12/18/2013 |
| Printed name of authorized representative: Michelle Tatgenhorst | Title: Controller |

## FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed five(5) calendar years * *(see below)*. The date this designation expires is 12-31-2018.

B. The type of deduction that is allowed in the designated area is limited to:
1. Installation of new manufacturing equipment; ☒ Yes ☐ No
2. Installation of new research and development equipment; ☐ Yes ☐ No
3. Installation of new logistical distribution equipment. ☐ Yes ☐ No
4. Installation of new information technology equipment; ☐ Yes ☐ No

C. The amount of deduction applicable to new manufacturing equipment is limited to $ 2,000,000 cost with an assessed value of $ to be determined by the assessor not to exceed $2,000,000.00

D. The amount of deduction applicable to new research and development equipment is limited to $ N/A cost with an assessed value of $ N/A.

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ N/A cost with an assessed value of $ N/A.

F. The amount of deduction applicable to new information technology equipment is limited to $ N/A cost with an assessed value of $ N/A.

G. Other limitations or conditions *(specify)* None

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☒ Year 1 ☒ Year 2 ☒ Year 3 ☒ Year 4 ☒ Year 5 (see below *)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☒ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

| Approved by: *(signature and title of authorized member of designating body)* | Telephone number | Date signed *(month, day, year)* |
|---|---|---|
| [signature] Council President | (574 )258-1616 | 1-20-2014 |
| Printed name of authorized member of designating body | Name of designating body | |
| Matt Mammolenti | Mishawaka Common Council | |
| Attested by: *(signature and title of attester)* | Printed name of attester | |
| Deborah S. Block | Deborah S. Block, IAMC,MMC, City Clerk | |

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17
**Abatement schedules**
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

**NOTICE OF A PUBLIC HEARING CONCERNING THE DECLARATION OF A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA AS AN ECONOMIC REVITALIZATION AREA**

Notice is hereby given that the Common Council of the City of Mishawaka, Indiana, did on January 06, 2014 adopt a Declaratory Resolution R2014-01 declaring that a certain area located within the corporate limits of the City of Mishawaka, Indiana as an Economic Revitalization Area and being described as follows:

**R2014-01**
**WellPet L.L.C.**
**1121 West 11th Street**

A lot or parcels of land described as follows:

Tax Key #16-1161-6468; also legally described as:

A part of the southwest quarter of section 16, Township 37 North, Range 3 East, now within and part of the City of Mishawaka, which part is bounded by a line running as follows, viz:

Beginning at a point on the South line of said Section 16, 20 feet East of the Southwest corner thereof; thence East along the South line of said Section 16, 679.97 feet more or less, to the west line of Cleveland Street in the City of Mishawaka, if extended South; thence North along the west line of said Cleveland Street, if extended south 440.57 feet, more or less to the South line of Eleventh Street in the City of Mishawaka; thence West along the South line of said Eleventh Street 681.15 feet more or less to the East line of Logan Street, in the City of Mishawaka; thence South along the East line of said Logan Street 443.32 feet, more or less to the place of beginning.

All of the above described property being located within the municipal corporation limits
of the City of Mishawaka, Indiana, and

A copy of the aforementioned Resolution with a description of the affected area is available at the Office of the St. Joseph County Assessor and the Office of the Mishawaka City Clerk.

Notice is hereby given that on the 20th day of January 2014 at 7:00 p.m. local time, Council Chamber, City Hall, 600 East Third Street, Mishawaka, Indiana, the Mishawaka Common Council will conduct a public hearing to receive and hear all remonstrance's and objections from interested persons. Upon consideration of the evidence, the Common Council shall take final action determining whether the qualifications for an Economic Revitalization Area have been met and confirming, modifying and confirming or rescinding the aforementioned Resolution 2014-01. The determination of the Mishawaka Common Council in this matter will be final except that an appeal may be taken and heard as provided by I.C. 6-1.1-12.1-2 (d) and (c).

Deborah S. Block, IAMC, MMC,
City Clerk

29

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

*Nancy Nich*

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the **Mishawaka Enterprise** for:

XX One __ TWO __ THREE

times successively to-wit:

On the 9th day of January, 2014, and

On the ____ day of ________, 2014, and

On the ____ day of ________, 2014

Nancy L. Nich

Subscribed & Sworn To Before Me
This 9th day of January, 2014

William L. Nich
William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

**CHARGES: $ 34.39**

# CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK


## CERTIFICATE

**STATE OF INDIANA**
**COUNTY OF ST. JOSEPH**
**CITY OF MISHAWAKA**

**I, Deborah S. Block, Clerk of the City of Mishawaka, St. Joseph County, State of Indiana, hereby certify that the attached is a full, true, complete and correct copy of:**

**RESOLUTION NO. R2014-01**
**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA**

**RESOLUTION NO. R2014-04**
**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA TO BE AN ECONOMIC REVITALIZATION AREA**

**WellPet L.L.C.**
**And**
**Statement of Benefits**

**The original of which is now on file in the Office of the City Clerk of the City of Mishawaka, St. Joseph County.**

**IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Mishawaka, this 23rd day of January, 2014.**

Deborah S. Block

**Deborah S. Block, IAMC, MMC, City Clerk**


Mary Ellen Hazen, Chief Deputy • Linda Dotson, Chief Deputy
City Hall • 600 East Third Street • Mishawaka, Indiana 46544-2241
Telephone: (574) 258-1616 • Facsimile: (574) 258-1728 • E-Mail: dblock@Mishawaka.in.gov • Website: Mishawaka.in.gov

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 02 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. R 2014- 1

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA

**WellPet L.L.C .**

DECLARATORY RESOLUTION

**WHEREAS**, the Common Council of the City of Mishawaka, Indiana, has pursuant to the "Deduction for Rehabilitation or Redevelopment of Real Property in Economic Revitalization Area Act" (Indiana Code 6-1.1-12.1-1 et. seq.) as amended hereinafter referred to as the "Act", determined and declared that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an "Economic Revitalization Area":

A lot or parcels of land described as follows:

Tax Key #16-1161-6468; also legally described as:

A part of the southwest quarter of section 16, Township 37 North, Range 3 East, now within and part of the City of Mishawaka, which part is bounded by a line running as follows, viz:

Beginning at a point on the South line of said Section 16, 20 feet East of the Southwest corner thereof; thence East along the South line of said Section 16, 679.97 feet more or less, to the west line of Cleveland Street in the City of Mishawaka, if extended South; thence North along the west line of said Cleveland Street, if extended south 440.57 feet, more or less to the South line of Eleventh Street in the City of Mishawaka; thence West along the South line of said Eleventh Street 681.15 feet more or less to the East line of Logan Street, in the City of Mishawaka; thence South along the East line of said Logan Street 443.32 feet, more or less to the place of beginning.

More commonly known as 1121 West 11$^{th}$ Street

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

**WHEREAS**, this declaration of the above described area as an "Economic Revitalization Area" shall expire one (1) year from the effective date of the declaration unless officially extended by the Common Council of the City of Mishawaka, Indiana, and

**WHEREAS**, the area so described above, shall be eligible for a deduction from an increase in assessed valuation resulting from the redevelopment or rehabilitation of said property, and

**WHEREAS**, an owner or occupant of the area described above shall be eligible for a deduction from assessed valuation resulting from the acquisition of tangible personal property used within that area so described.

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Mishawaka, Indiana:

1. That the area described hereinabove is hereby declared to be an "Economic Revitalization Area" within the meaning of the Act; and

2. That the City Clerk shall cause notice of the adoption of this Resolution to be published pursuant to I.C. 5-3-1, and shall file a copy of this Resolution with the St. Joseph County Assessor; and

3. That the City Clerk shall include in such notice the substance of this Resolution, a description of the affected area, that this Resolution may be inspected in the County Assessor's office or the office of the Mishawaka City Clerk, the date when the Common Council will receive and hear all remonstrance and objections from interested persons, and any other information required by Section 6-1.1-12.1-2.5 of the Act; and

4. That the City Clerk shall file a copy of the aforesaid public notice along with a copy of this Resolution and the Statement of Benefits (Form SB-1) with the officers of each taxing unit that has the authority to levy property taxes in the geographic area where the aforesaid economic revitalization area is located; and

5. That following the legal publication and on the date published in the public notice, a public hearing shall be held by the Common Council, at which time the Common Council shall receive and hear all remonstrance and objections from interested persons and shall then take final action determining whether the qualifications for an Economic Revitalization Area have been met and confirming, modifying and confirming, or rescinding this Resolution; and

6. That the determination of the Common Council shall be final except that an appeal may be taken and heard as provided by I.C. 6-1.1-12.1-2.5 (d) and (e).

**ADOPTED** by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 8th day of January, 2014.

Matt Mammolenti, President

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this 9th day of January, 2014.

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this 9th day of January 9, 2014, at 1:16 o'clock P.M.

David A. Wood, Mayor

RECEIVED
DEBORAH S. BLOCK, MMC

JAN 16 2014

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. R 2014- 4

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA

**WellPet L.L.C .**

CONFIRMING RESOLUTION

**WHEREAS**, the Common Council of the City of Mishawaka, Indiana, did pursuant to the "Deduction for Rehabilitation or Redevelopment of Real Property in Economic Development Revitalization Areas Act" (Indiana Code 6-1.1-12.1-1 et. seq.) as amended and hereinafter referred to as the "Act", declare that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an "Economic Revitalization Area":

A lot or parcels of land described as follows:

Tax Key #16-1161-6468; also legally described as:

A part of the southwest quarter of section 16, Township 37 North, Range 3 East, now within and part of the City of Mishawaka, which part is bounded by a line running as follows, viz:

Beginning at a point on the South line of said Section 16, 20 feet East of the Southwest corner thereof; thence East along the South line of said Section 16, 679.97 feet more or less, to the west line of Cleveland Street in the City of Mishawaka, if extended South; thence North along the west line of said Cleveland Street, if extended south 440.57 feet, more or less to the South line of Eleventh Street in the City of Mishawaka; thence West along the South line of said Eleventh Street 681.15 feet more or less to the East line of Logan Street, in the City of Mishawaka; thence South along the East line of said Logan Street 443.32 feet, more or less to the place of beginning.

More commonly known as 1121 West 11th Street

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

**WHEREAS**, this declaration was effected by Resolution No. R 2014-01 adopted by the Common Council of the City of Mishawaka on January8 th, 2014; and

**WHEREAS**, under the provisions of said "Act" a copy of said Resolution No. R 2014-01 was filed for public inspection at the office of the St. Joseph County Assessor's Office; and

**WHEREAS**, pursuant to Indiana Code (I.C. 5-3-1), public notice of the adoption and substance of Resolution No. R 2014-01 was given; as well as setting forth that a public hearing would be held on

January 20th, 2014 to receive and hear all remonstrance's and objections from interested persons. and

**WHEREAS**, pursuant to said "Act", a copy of said public notice along with a copy of the applicant's "Statement of Benefits" was filed with each taxing unit in whose jurisdiction the property described in the above legal description is located.

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Mishawaka, Indiana:

1. That upon conclusion of said public hearing and consideration of evidence presented, it is now determined that the area described meets the qualifications for an Economic Revitalization Area; and

2. That Resolution No. R 2014-01 is hereby modified and confirmed as follows:

   a) That the above described area shall be designated as an Economic Revitalization Area for a period beginning with the date of this resolution and ending on December 31, 2018; and

   b) That the property tax deduction to which the property owner is entitled shall apply to personal property pursuant to Indiana Code (I.C. 6-1.1-12.1-3); and

   c) That this deduction applicable for real property tax abatement and is limited to the following schedule:

| Tax Year | Tax Abatement Percentage |
|---|---|
| 2014 Pay 2015- | 100% |
| 2015 Pay 2016- | 80% |
| 2016 Pay 2017- | 60% |
| 2017 Pay 2018- | 40% |
| 2018 Pay 2019- | 20% |

   d) That the estimate of the value of the redevelopment is reasonable for projects of this nature; and

   e) That the description of the proposed redevelopment meets applicable standards for such development; and

   f) That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and

   g) That the deduction will not be allowed unless the facility is constructed or rehabilitated to meet local code standards; and

   h) That the totality of benefits is sufficient to justify the granting of this requested deduction..

3. That the "Statement of Benefits" submitted by WellPet LLC, is hereby approved, and the President of the Mishawaka Common Council is hereby authorized to execute said "Statement" on behalf of the Common Council; and

4. That this determination is final except that an appeal may be taken and heard as provided under Indiana Code (I.C. 6-1.1-12.1-2-5, subsections (d) and (e) of the "Act.")

The Common Council of the City of Mishawaka, Indiana hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited the date of the adoption of this Confirming Resolution by the Common Council to December 31, 2018.

**ADOPTED** by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 20th day of January, 2014.

Matt Mammolenti, President

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this 21st day of January, 2014.

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this 21st day of January, 2014, at 10:00 o'clock A.M.

David A. Wood, Mayor

# COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R3 / 2-13)
Prescribed by the Department of Local Government Finance

20 16 PAY 20 17

FORM CF-1 / Real Property

**PRIVACY NOTICE**

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

*INSTRUCTIONS:*

1. *This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.*
2. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
3. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
4. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))*
5. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer: Cha Cha Properties, LLC & Dearborn Crane and Engineering Company, Inc | County: St. Joseph |
| Address of taxpayer *(number and street, city, state, and ZIP code)*: 1133 E. Fifth Street, Mishawaka, IN 46544 | DLGF taxing district number: 023 Mishawaka Penn |
| Name of contact person: Joan Joshi, General Manager | Telephone number: ( 574 ) 208-6851 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY**

| | | |
|---|---|---|
| Name of designating body: Mishawaka City Council | Resolution number: R2014-10 | Estimated start date *(month, day, year)*: 06/01/2014 |
| Location of property: 1133 E. Fifth Street, Mishawaka, IN 46544 | | Actual start date *(month, day, year)*: 06/01/2014 |
| Description of real property improvements: Land improvements; Building expansion | | Estimated completion date *(month, day, year)*: 02/01/15 |
| | | Actual completion date *(month, day, year)*: 02/15/15 |

**SECTION 3 — EMPLOYEES AND SALARIES**

| EMPLOYEES AND SALARIES | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Current number of employees | 24 | 27 |
| Salaries | 1,353,211 | 1,164,203.94 |
| Number of employees retained | 24 | 24 |
| Salaries | 1,353,211 | 1,018,414.96 |
| Number of additional employees | 3 | 3 |
| Salaries | 126,000 | 145,788.96 |

**SECTION 4 — COST AND VALUES**

| COST AND VALUES | REAL ESTATE IMPROVEMENTS COST | REAL ESTATE IMPROVEMENTS ASSESSED VALUE |
|---|---|---|
| **AS ESTIMATED ON SB-1** | COST | ASSESSED VALUE |
| Values before project | 150000 | 380000 |
| Plus: Values of proposed project | 750000 | |
| Less: Values of any property being replaced | | |
| Net values upon completion of project | 900000 | |
| **ACTUAL** | COST | ASSESSED VALUE |
| Values before project | 150000 | 467500 |
| Plus: Values of proposed project | 859146 | |
| Less: Values of any property being replaced | | |
| Net values upon completion of project | 1,009,146 | |

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | | |
| Amount of hazardous waste converted | | |
| Other benefits: | | |

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed *(month, day, year)* |
|---|---|---|
| X [signature] | Chairman | 04/08/2016 |

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991**

*INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)*

1. *Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).*
2. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has **NOT** made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______

Reasons for the determination (*attach additional sheets if necessary*)

| Signature of authorized member | Date signed (*month, day, year*) |
|---|---|
| Attested by: | Designating body |

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

| Time of hearing ☐ AM ☐ PM | Date of hearing (*month, day, year*) | Location of hearing |
|---|---|---|

**HEARING RESULTS** (*to be completed after the hearing*)

☐ Approved ☐ Denied (see *instruction 4 above*)

Reasons for the determination (*attach additional sheets if necessary*)

| Signature of authorized member | Date signed (*month, day, year*) |
|---|---|
| Attested by: | Designating body |

**APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]**

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

# COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

**FORM CF-1 / PP**

State Form 51765 (R3 / 11-15)
Prescribed by the Department of Local Government Finance

*INSTRUCTIONS:*
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1, and May 15, of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-I).*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer<br>WELLPET LLC | County<br>St. Joseph |
| Address of taxpayer *(street and number, city, state and ZIP code)*<br>1011 West 11th Street<br>Mishawaka IN 46544 | DLGF taxing district number<br>71-023 |
| Name of contact person<br>Michelle Tatgenhorst | Telephone number<br>574-259-7834 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY**

| | | |
|---|---|---|
| Name of designating body | Resolution number<br>R2015-14 | Estimated start date *(month, day, year)*<br>07/01/2015 |
| Location of property 1121 West 11th Street<br>MISHAWAKA IN 46544 | | Actual start date *(month, day, year)*<br>/ / |
| Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired.<br>SEE ATTACHED "High Speed Packaging Line Overview 2015" | | Estimated completion date *(month, day, year)*<br>11/01/2015 |
| | | Actual completion date *(month, day, year)*<br>/ / |

**SECTION 3 — EMPLOYEES AND SALARIES**

| EMPLOYEES AND SALARIES | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Current number of employees | 115 | 108 |
| Salaries | 3,898,000 | 4,599,448 |
| Number of employees retained | 115 | 108 |
| Salaries | 3,898,000 | 4,599,448 |
| Number of additional employees | 4 | |
| Salaries | 200,000 | |

**SECTION 4 — COST AND VALUES**

| | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| **AS ESTIMATED ON SB-1** | **COST** | **ASSESSED VALUE** | **COST** | **ASSESSED VALUE** | **COST** | **ASSESSED VALUE** | **COST** | **ASSESSED VALUE** |
| Values before project | 15,570,388 | | | | | | | |
| Plus: Values of proposed project | 1,800,000 | | | | | | | |
| Less: Values of any property being replaced | | | | | | | | |
| Net values upon completion of project | 17,370,388 | | | | | | | |
| **ACTUAL** | **COST** | **ASSESSED VALUE** | **COST** | **ASSESSED VALUE** | **COST** | **ASSESSED VALUE** | **COST** | **ASSESSED VALUE** |
| Values before project | | | | | | | | |
| Plus: Values of proposed project | | | | | | | | |
| Less: Values of any property being replaced | | | | | | | | |
| Net values upon completion of project | | | | | | | | |

**NOTE:** The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | | |
| Amount of hazardous waste converted | | |
| Other benefits: | | |

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed *(month, day, year)* |
|---|---|---|
| Michelle Tatgenhorst | CONTROLLER | 4/7/16 |

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.**

*INSTRUCTIONS: (IC 6-1.1-12-5.9)*

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found **NOT** to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has **NOT** made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to. (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other *(specify)* ______________________________

Reasons for the determination *(attach additional sheets if necessary)*

| Signature of authorized member | Date signed *(month, day, year)* |
|---|---|
| | |

| Attested by: | Designating body |
|---|---|
| | |

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

| Time of hearing ☐AM ☐PM | Date of hearing *(month, day, year)* | Location of hearing |
|---|---|---|
| | | |

**HEARING RESULTS** ***(to be completed after the hearing)***

☐ Approved ☐ Denied *(see insruction 5 above)*

Reasons for determination *(attach additional sheets if necessary)*

| Signature of authorized member | Date signed *(month, day, year)* |
|---|---|
| | |

| Attested by: | Designating body |
|---|---|
| | |

**APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]**

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

WellPet
at the heart of all we do

April 7, 2016

Ken Prince, City Planner
City of Mishawaka
600 E. 3rd Street
PO Box 363
Mishawaka, IN 46544

Dear Mr. Prince,

Thank you and the City of Mishawaka for your support in 2015 of our capital investment, the High Speed Packaging Line. The award of a Tax Abatement was a key in our decision to proceed with this investment.

Enclosed, we are submitting the Compliance with Statement of Benefits of Personal Property, Form CF-1/PP, which reports on the associated compliance with promised benefits of the project.

Please be aware that this project was not completed in 2015. Investments made through the end of 2015 are sitting in Construction in Process. We are anticipating completion of the High Speed Packaging Line in the first half of 2016. Due to this, we are reporting that in Section 4 of this report, we are reporting *estimated* Manufacturing Equipment 'Values before project.'

Please feel free to contact me with any further questions.

Thank you,

Michelle Tatgenhorst
Plant Controller

200 Ames Pond Drive • Tewksbury, MA 01876-1274 • 978.289.5533 • 800.255.0904 • www.wellpet.com
Mishawaka Manufacturing Facility • 1011 W Eleventh St • Mishawaka, IN 46544 • 574-259-7834

**FORM CF-1 / PP**

# COMPLIANCE WITH STATEMENT OF BENEFITS
# PERSONAL PROPERTY

State Form 51765 (R3 / 11-15)
Prescribed by the Department of Local Government Finance

INSTRUCTIONS:
1. *Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
2. *This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1, and May 15, of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1, and the extended due date of each year.*
3. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-I).*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer: WELLPET LLC | County: St. Joseph |
| Address of taxpayer *(street and number, city, state and ZIP code)*: 1011 West 11th Street, Mishawaka IN 46544 | DLGF taxing district number: 71-023 |
| Name of contact person: Michelle Tatgenhorst | Telephone number: 574-259-7834 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY**

| | | |
|---|---|---|
| Name of designating body: | Resolution number: R2015-14 | Estimated start date *(month, day, year)*: 07/01/2015 |
| Location of property: 1121 West 11th Street, MISHAWAKA IN 46544 | | Actual start date *(month, day, year)*: / / |
| Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. SEE ATTACHED "High Speed Packaging Line Overview 2015" | | Estimated completion date *(month, day, year)*: 11/01/2015 |
| | | Actual completion date *(month, day, year)*: / / |

**SECTION 3 — EMPLOYEES AND SALARIES**

| EMPLOYEES AND SALARIES | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Current number of employees | 115 | 108 |
| Salaries | 3,898,000 | 4,599,448 |
| Number of employees retained | 115 | 108 |
| Salaries | 3,898,000 | 4,599,448 |
| Number of additional employees | 4 | |
| Salaries | 200,000 | |

**SECTION 4 — COST AND VALUES**

| | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | |
|---|---|---|---|---|---|---|---|---|
| AS ESTIMATED ON SB-1 | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Values before project | 15,570,388 | | | | | | | |
| Plus: Values of proposed project | 1,800,000 | | | | | | | |
| Less: Values of any property being replaced | | | | | | | | |
| Net values upon completion of project | 17,370,388 | | | | | | | |
| ACTUAL | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE |
| Values before project | | | | | | | | |
| Plus: Values of proposed project | | | | | | | | |
| Less: Values of any property being replaced | | | | | | | | |
| Net values upon completion of project | | | | | | | | |

**NOTE:** The **COST** of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | | |
| Amount of hazardous waste converted | | |
| Other benefits: | | |

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed *(month, day, year)* |
|---|---|---|
| Michelle Tatgenhorst | CONTROLLER | 4/7/16 |



Client/Loc

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991.**

*INSTRUCTIONS: (IC 6-1.1-12-5.9)*

1. *This page does not apply to a Statement of Benefits filed before July 1, 1991; that deduction may not be terminated for a failure to comply with the Statement of Benefits.*
2. *Within forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits.*
3. *If the property owner is found* ***NOT*** *to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. If a notice is mailed to a property owner, a copy of the written notice will be sent to the Township Assessor and the County Auditor.*
4. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable effort to substantially comply with the Statement of Benefits.*
5. *If the designating body determines that the property owner has* ***NOT*** *made reasonable effort to comply, then the designating body shall adopt a resolution terminating the deduction. The designating body shall immediately mail a certified copy of the resolution to. (1) the property owner; (2) the County Auditor; and (3) the Township Assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other *(specify)* ______________________________

Reasons for the determination *(attach additional sheets if necessary)*

| Signature of authorized member | Date signed *(month, day, year)* |
|---|---|
| Attested by: | Designating body |

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance.

| Time of hearing ☐AM ☐PM | Date of hearing *(month, day, year)* | Location of hearing |
|---|---|---|

**HEARING RESULTS** ***(to be completed after the hearing)***

☐ Approved ☐ Denied *(see insruction 5 above)*

Reasons for determination *(attach additional sheets if necessary)*

| Signature of authorized member | Date signed *(month, day, year)* |
|---|---|
| Attested by: | Designating body |

**APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]**

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

# STATEMENT OF BENEFITS
# PERSONAL PROPERTY

State Form 51764 (R3 / 12-13)
Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

*INSTRUCTIONS*

1. *This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.*
2. *The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.*
3. *To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.*
4. *Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
5. *For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer: WellPet LLC | Name of contact person: Michelle Tatgenhorst |
| Address of taxpayer *(number and street, city, state, and ZIP code)*: 1011 West 11th Street | Telephone number: ( 574 ) 259-7834 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

| | | |
|---|---|---|
| Name of designating body: Mishawaka Common Council | | Resolution number (s): |
| Location of property: 1121 West 11th Street., Mishawaka, IN 46544 | County: St. Joseph | DLGF taxing district number: 71-023 |

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. *(Use additional sheets if necessary.)*
SEE ATTACHED "High Speed Packaging Line Overview 2015"

| | ESTIMATED START DATE | ESTIMATED COMPLETION DATE |
|---|---|---|
| Manufacturing Equipment | 07/01/2015 | 11/01/2015 |
| R & D Equipment | | |
| Logist Dist Equipment | | |
| IT Equipment | | |

**SECTION 3 — ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT**

| Current number | Salaries | Number retained | Salaries | Number additional | Salaries |
|---|---|---|---|---|---|
| 115 | $3,898,000 | 115 | $3,898,000 | 4 | $200,000 |

**SECTION 4 — ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

| NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential. | MANUFACTURING EQUIPMENT COST | MANUFACTURING EQUIPMENT ASSESSED VALUE | R & D EQUIPMENT COST | R & D EQUIPMENT ASSESSED VALUE | LOGIST DIST EQUIPMENT COST | LOGIST DIST EQUIPMENT ASSESSED VALUE | IT EQUIPMENT COST | IT EQUIPMENT ASSESSED VALUE |
|---|---|---|---|---|---|---|---|---|
| Current values | 15,570,388.( | | | | | | | |
| Plus estimated values of proposed project | 1,800,000.0( | | | | | | | |
| Less values of any property being replaced | | | | | | | | |
| Net estimated values upon completion of project | 16,705,633.( | | | | | | | |

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted *(pounds)* ____________ Estimated hazardous waste converted *(pounds)* ____________

Other benefits:

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| | |
|---|---|
| Signature of authorized representative: Michelle Tatgenhorst | Date signed *(month, day, year)*: 03/17/2015 |
| Printed name of authorized representative: Michelle Tatgenhorst | Title: Controller |

## FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed (5) five calendar years * *(see below)*. The date this designation expires is 12-31-2019.

B. The type of deduction that is allowed in the designated area is limited to:

1. Installation of new manufacturing equipment; ☒ Yes ☐ No
2. Installation of new research and development equipment; ☐ Yes ☒ No
3. Installation of new logistical distribution equipment. ☐ Yes ☒ No
4. Installation of new information technology equipment; ☐ Yes ☒ No

C. The amount of deduction applicable to new manufacturing equipment is limited to $ 1,800,000 cost with an assessed value of $ 1,800,000 or is determined by the assessor

D. The amount of deduction applicable to new research and development equipment is limited to $ -------- cost with an assessed value of $ --------.

E. The amount of deduction applicable to new logistical distribution equipment is limited to $ -------- cost with an assessed value of $ ------.

F. The amount of deduction applicable to new information technology equipment is limited to $ ------ cost with an assessed value of $ -------.

G. Other limitations or conditions *(specify)* None

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

☒ Year 1 ☒ Year 2 ☒ Year 3 ☐ Year 4 ☐ Year 5 (see below *)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☐ Year 9 ☐ Year 10

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

| Approved by: *(signature and title of authorized member of designating body)* | Telephone number | Date signed *(month, day, year)* |
|---|---|---|
| Dale "Woody" Emmons | (574) 258-1616 | 04-20-2015 |
| Printed name of authorized member of designating body | Name of designating body | |
| Dale "Woody" Emmons, President | Mishawaka Common Council | |
| Attested by: *(signature and title of attester)* | Printed name of attester | |
| Deborah S. Block | Deborah S. Block, City Clerk | |

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17
Abatement schedules
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:
(1) The total amount of the taxpayer's investment in real and personal property.
(2) The number of new full-time equivalent jobs created.
(3) The average wage of the new employees compared to the state minimum wage.
(4) The infrastructure requirements for the taxpayer's investment.
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

**NOTICE OF A PUBLIC HEARING CONCERNING THE DECLARATION OF A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA AS AN ECONOMIC REVITALIZATION AREA**

Notice is hereby given that the Common Council of the City of Mishawaka, Indiana, did on March 30, 2015 adopt a Declaratory Resolution R2015-14 declaring that a certain area located within the corporate limits of the City of Mishawaka, Indiana as an Economic Revitalization Area and being described as follows:

R2015-14
WellPet L.L.C.
1121 West 11th Street

A lot or parcels of land described as follows:

Tax Key #16-1161-6468; also legally described as:

A part of the southwest quarter of section 16, Township 37 North, Range 3 East, now within and part of the City of Mishawaka, which part is bounded by a line running as follows, viz:

Beginning at a point on the South line of said Section 16, 20 feet East of the Southwest corner thereof; thence East along the South line of said Section 16, 679.97 feet more or less, to the west line of Cleveland Street in the City of Mishawaka, if extended South; thence North along the west line of said Cleveland Street, if extended south 440.57 feet, more or less to the South line of Eleventh Street in the City of Mishawaka; thence West along the South line of said Eleventh Street 681.15 feet more or less to the East line of Logan Street, in the City of Mishawaka; thence South along the East line of said Logan Street 443.32 feet, more or less to the place of Beginning.

All of the above described property being located within the municipal corporation limits
of the City of Mishawaka, Indiana, and

A copy of the aforementioned Resolution with a description of the affected area is available at the Office of the St. Joseph County Assessor and the Office of the Mishawaka City Clerk.

Notice is hereby given that on the 20th day of April 2015 at 7:00 p.m. local time, Council Chamber, City Hall, 600 East Third Street, Mishawaka, Indiana, the Mishawaka Common Council will conduct a public hearing to receive and hear all remonstrance's and objections from interested persons. Upon consideration of the evidence, the Common Council shall take final action determining whether the qualifications for an Economic Revitalization Area have been met and confirming, modifying and confirming or rescinding the aforementioned Resolution 2015-14. The determination of the Mishawaka Common Council in this matter will be final except that an appeal may be taken and heard as provided by I.C. 6-1.1-12.1-2 (d) and (e).

Deborah S. Block, IAMC, MMC, City Clerk

41-

State of Indiana St. Joseph County

Personally Appeared Before Me The Undersigned:

*Nancy Nich*

Legal Clerk of the **MISHAWAKA ENTERPRISE**, a public newspaper of general circulation, published in the city of Mishawaka in the County aforesaid, who being duly sworn, upon her oath saith, that the notice of which she attached is the true copy, was duly published in the **Mishawaka Enterprise** for:

XX One __ TWO __THREE

times successively to-wit:

On the 2nd day of April, 2015, and

On the ________ day of ________, 2015, and

On the ________ day of ________, 2015,

Nancy L. Nich

Subscribed & Sworn To Before Me
This 2nd day of April, 2015

William L. Nich

William L. Nich, Notary Public
Residing in Elkhart County
My Commission Expires 5/30/2019

**CHARGES: $ 35.84**

# CITY OF MISHAWAKA

OFFICE OF THE CITY CLERK

DEBORAH S. BLOCK, IAMC, MMC, CITY CLERK

**CERTIFICATE**

**STATE OF INDIANA**
**COUNTY OF ST. JOSEPH**
**CITY OF MISHAWAKA**

**I, Deborah S. Block, Clerk of the City of Mishawaka, St. Joseph County, State of Indiana, hereby certify that the attached is a full, true, complete and correct copy of:**

**RESOLUTION NO. R2015-14**
**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA**

**RESOLUTION NO. R2015-15**
**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA**

**WellPet L.L.C.**
**And**
**Statement of Benefits**

**The original of which is now on file in the Office of the City Clerk of the City of Mishawaka, St. Joseph County.**

**IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Mishawaka, this 23rd day of April, 2015.**

Deborah S. Block

**Deborah S. Block, IAMC, MMC, City Clerk**

Mary Ellen Hazen, Chief Deputy • Linda Dotson, Chief Deputy
City Hall • 600 East Third Street • Mishawaka, Indiana 46544-2241
Telephone: (574) 258-1616 • Facsimile: (574) 258-1728 • E-Mail: dblock@Mishawaka.in.gov • Website: Mishawaka.in.gov

RECEIVED
DEBORAH S. BLOCK, MMC

MAR 25 2015

CITY CLERK
MISHAWAKA, IN

RESOLUTION NO. R 2015- 14

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA

**WellPet L.L.C .**

DECLARATORY RESOLUTION

**WHEREAS**, the Common Council of the City of Mishawaka, Indiana, has pursuant to the "Deduction for Rehabilitation or Redevelopment of Real Property in Economic Revitalization Area Act" (Indiana Code 6-1.1-12.1-1 et. seq.) as amended hereinafter referred to as the "Act", determined and declared that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an "Economic Revitalization Area":

A lot or parcels of land described as follows:

Tax Key #16-1161-6468; also legally described as:

A part of the southwest quarter of section 16, Township 37 North, Range 3 East, now within and part of the City of Mishawaka, which part is bounded by a line running as follows, viz:

Beginning at a point on the South line of said Section 16, 20 feet East of the Southwest corner thereof; thence East along the South line of said Section 16, 679.97 feet more or less, to the west line of Cleveland Street in the City of Mishawaka, if extended South; thence North along the west line of said Cleveland Street, if extended south 440.57 feet, more or less to the South line of Eleventh Street in the City of Mishawaka; thence West along the South line of said Eleventh Street 681.15 feet more or less to the East line of Logan Street, in the City of Mishawaka; thence South along the East line of said Logan Street 443.32 feet, more or less to the place of beginning.

More commonly known as 1121 West 11th Street

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

**WHEREAS**, this declaration of the above described area as an "Economic Revitalization Area" shall expire one (1) year from the effective date of the declaration unless officially extended by the Common Council of the City of Mishawaka, Indiana, and

**WHEREAS**, the area so described above, shall be eligible for a deduction from an increase in assessed valuation resulting from the redevelopment or rehabilitation of said property, and

**WHEREAS**, an owner or occupant of the area described above shall be eligible for a deduction from assessed valuation resulting from the acquisition of tangible personal property used within that area so described.

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Mishawaka, Indiana:

1. That the area described hereinabove is hereby declared to be an "Economic Revitalization Area" within the meaning of the Act; and

2. That the City Clerk shall cause notice of the adoption of this Resolution to be published pursuant to I.C. 5-3-1, and shall file a copy of this Resolution with the St. Joseph County Assessor; and

3. That the City Clerk shall include in such notice the substance of this Resolution, a description of the affected area, that this Resolution may be inspected in the County Assessor's office or the office of the Mishawaka City Clerk, the date when the Common Council will receive and hear all remonstrance and objections from interested persons, and any other information required by Section 6-1.1-12.1-2.5 of the Act; and

4. That the City Clerk shall file a copy of the aforesaid public notice along with a copy of this Resolution and the Statement of Benefits (Form SB-1) with the officers of each taxing unit that has the authority to levy property taxes in the geographic area where the aforesaid economic revitalization area is located; and

5. That following the legal publication and on the date published in the public notice, a public hearing shall be held by the Common Council, at which time the Common Council shall receive and hear all remonstrance and objections from interested persons and shall then take final action determining whether the qualifications for an Economic Revitalization Area have been met and confirming, modifying and confirming, or rescinding this Resolution; and

6. That the determination of the Common Council shall be final except that an appeal may be taken and heard as provided by I.C. 6-1.1-12.1-2.5 (d) and (e).

**ADOPTED** by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 30th day of March, 2015.

Dale "Woody" Emmons, President

Ronald S. Banicki, Vice President

ATTEST:

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this 3/31 day of March, 2015.

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this 31 day of March, 2015, at 12:25 o'clock P.M.

David A. Wood, Mayor

RESOLUTION NO. R 2015- 15

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, DECLARING A CERTAIN AREA IN THE CITY OF MISHAWAKA, INDIANA, TO BE AN ECONOMIC REVITALIZATION AREA

**WellPet L.L.C.**

CONFIRMING RESOLUTION

**WHEREAS**, the Common Council of the City of Mishawaka, Indiana, did pursuant to the "Deduction for Rehabilitation or Redevelopment of Real Property in Economic Development Revitalization Areas Act" (Indiana Code 6-1.1-12.1-1 et. seq.) as amended and hereinafter referred to as the "Act", declare that the following described area in the City of Mishawaka, County of St. Joseph, State of Indiana, is an "Economic Revitalization Area":

A lot or parcels of land described as follows:

Tax Key #16-1161-6468; also legally described as:

A part of the southwest quarter of section 16, Township 37 North, Range 3 East, now within and part of the City of Mishawaka, which part is bounded by a line running as follows, viz:

Beginning at a point on the South line of said Section 16, 20 feet East of the Southwest corner thereof; thence East along the South line of said Section 16, 679.97 feet more or less, to the west line of Cleveland Street in the City of Mishawaka, if extended South; thence North along the west line of said Cleveland Street, if extended south 440.57 feet, more or less to the South line of Eleventh Street in the City of Mishawaka; thence West along the South line of said Eleventh Street 681.15 feet more or less to the East line of Logan Street, in the City of Mishawaka; thence South along the East line of said Logan Street 443.32 feet, more or less to the place of beginning.

More commonly known as 1121 West 11th Street

All of the above described property being located within the municipal corporation limits of the City of Mishawaka, Indiana, and

**WHEREAS**, this declaration was effected by Resolution No. R 2015-14 adopted by the Common Council of the City of Mishawaka on March 30th, 2015; and

**WHEREAS**, under the provisions of said "Act" a copy of said Resolution No. R 2015-14 was filed for public inspection at the office of the St. Joseph County Assessor's Office; and

**WHEREAS**, pursuant to Indiana Code (I.C. 5-3-1), public notice of the adoption and substance of Resolution No. R 2015-14 was given; as well as setting forth that a public hearing would be held on April 20th, 2015 to receive and hear all remonstrance's and objections from interested persons. and

**WHEREAS**, pursuant to said "Act", a copy of said public notice along with a copy of the applicant's "Statement of Benefits" was filed with each taxing unit in whose jurisdiction the property described in the above legal description is located.

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Mishawaka, Indiana:

1. That upon conclusion of said public hearing and consideration of evidence presented, it is now determined that the area described meets the qualifications for an Economic Revitalization Area; and

2. That Resolution No. R 2015-14 is hereby modified and confirmed as follows:

   a) That the above described area shall be designated as an Economic Revitalization Area for a period beginning with the date of this resolution and ending on December 31, 2019; and

   b) That the property tax deduction to which the property owner is entitled shall apply to personal property pursuant to Indiana Code (I.C. 6-1.1-12.1-3); and

   c) That this deduction applicable for real property tax abatement and is limited to the following schedule:

| Tax Year | Tax Abatement Percentage |
|---|---|
| 2015 Pay 2016- | 100% |
| 2016 Pay 2017- | 80% |
| 2017 Pay 2018- | 60% |
| 2018 Pay 2019- | 40% |
| 2019 Pay 2020- | 20% |

   d) That the estimate of the value of the redevelopment is reasonable for projects of this nature; and

   e) That the description of the proposed redevelopment meets applicable standards for such development; and

   f) That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and

   g) That the deduction will not be allowed unless the facility is constructed or rehabilitated to meet local code standards; and

   h) That the totality of benefits is sufficient to justify the granting of this requested deduction.

3. That the "Statement of Benefits" submitted by WellPet LLC, is hereby approved, and the President of the Mishawaka Common Council is hereby authorized to execute said "Statement" on behalf of the Common Council; and

4. That this determination is final except that an appeal may be taken and heard as provided under Indiana Code (I.C. 6-1.1-12.1-2-5, subsections (d) and (e) of the "Act.")

The Common Council of the City of Mishawaka, Indiana hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited the date of the adoption of this Confirming Resolution by the Common Council to December 31, 2019.

**ADOPTED** by the Common Council of the City of Mishawaka, Indiana, St. Joseph County, Indiana, this 20th day of April, 2015.

Dale "Woody" Emmons

Dale "Woody" Emmons, President

ATTEST:

Deborah S. Block

Deborah S. Block, City Clerk

PRESENTED by me to the Mayor of the City of Mishawaka, Indiana, on this 21st day of April, 2015.

Deborah S. Block

Deborah S. Block, City Clerk

APPROVED AND SIGNED by me this 22 day of April, 2015, at 10:30 o'clock A.M.

David A. Wood, Mayor

David A. Wood, Mayor

Wellpet LLC
1011 West 11th Street
Mishawaka, IN 46544

**RE: CF-1 PP for Resolution R2015-4**

The attached CF-1 PP for Resolution R2015-4 does not have any costs applied as the project was not yet complete on 1/1/2016. Any costs associated with this project as of 1/1/2016 were reported in CIP on Form 103.

# COMPLIANCE WITH STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51766 (R3 / 2-13)
Prescribed by the Department of Local Government Finance

20____ PAY 20____

FORM CF-1 / Real Property

**PRIVACY NOTICE**

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

*INSTRUCTIONS:*

1. *This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.*
2. *Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).*
3. *This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.*
4. *This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))*
5. *With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).*

**SECTION 1 — TAXPAYER INFORMATION**

| | |
|---|---|
| Name of taxpayer: Bayer Healthcare | County: St. Joseph |
| Address of taxpayer (number and street, city, state, and ZIP code): 3930 Edison Lakes Parkway Mishawaka, IN 46545 | DLGF taxing district number: |
| Name of contact person: John Herzig | Telephone number: (317) 254-4734 |

**SECTION 2 — LOCATION AND DESCRIPTION OF PROPERTY**

| | | |
|---|---|---|
| Name of designating body: | Resolution number: | Estimated start date (month, day, year): 10/01/2015 |
| | | Actual start date (month, day, year): |
| Location of property: Beacon Parkway, Mishawaka, IN (Proposed) | | Estimated completion date (month, day, year): 12/01/2016 |
| Description of real property improvements: Approximately 60,000 SF office building (Proposed) | | Actual completion date (month, day, year): |

**SECTION 3 — EMPLOYEES AND SALARIES**

| EMPLOYEES AND SALARIES | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Current number of employees | 171 | 192 |
| Salaries | $35-42 per hr | $35-42 per hour |
| Number of employees retained | | |
| Salaries | | |
| Number of additional employees | 50-60 | |
| Salaries | $25-35 per hr | |

**SECTION 4 — COST AND VALUES**

| COST AND VALUES | REAL ESTATE IMPROVEMENTS COST | REAL ESTATE IMPROVEMENTS ASSESSED VALUE |
|---|---|---|
| **AS ESTIMATED ON SB-1** | COST | ASSESSED VALUE |
| Values before project | $0.00 | – |
| Plus: Values of proposed project | $12,500,000 | – |
| Less: Values of any property being replaced | – | – |
| Net values upon completion of project | $12,500,000 | – |
| **ACTUAL** | COST | ASSESSED VALUE |
| Values before project | $0.00 | – |
| Plus: Values of proposed project | $12,500,000 | – |
| Less: Values of any property being replaced | – | – |
| Net values upon completion of project | $12,500,000 | – |

**SECTION 5 — WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

| WASTE CONVERTED AND OTHER BENEFITS | AS ESTIMATED ON SB-1 | ACTUAL |
|---|---|---|
| Amount of solid waste converted | – | – |
| Amount of hazardous waste converted | – | – |
| Other benefits: | – | – |

**SECTION 6 — TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

| Signature of authorized representative | Title | Date signed (month, day, year) |
|---|---|---|
| John Herzig | VP, CUSTOMER LOGISTICS | 04/05/2016 |

**OPTIONAL: FOR USE BY A DESIGNATING BODY WHO ELECTS TO REVIEW THE COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) THAT WAS APPROVED AFTER JUNE 30, 1991**

*INSTRUCTIONS: (IC 6-1.1-12.1-5.1 and IC 6-1.1-12.1-5.9)*

1. *Not later than forty-five (45) days after receipt of this form, the designating body may determine whether or not the property owner has substantially complied with the Statement of Benefits (Form SB-1/Real Property).*
2. *If the property owner is found* ***NOT*** *to be in substantial compliance, the designating body shall send the property owner written notice. The notice must include the reasons for the determination and the date, time and place of a hearing to be conducted by the designating body. The date of this hearing may not be more than thirty (30) days after the date this notice is mailed. A copy of the notice may be sent to the county auditor and the county assessor.*
3. *Based on the information presented at the hearing, the designating body shall determine whether or not the property owner has made reasonable efforts to substantially comply with the Statement of Benefits (Form SB-1/Real Property) and whether any failure to substantially comply was caused by factors beyond the control of the property owner.*
4. *If the designating body determines that the property owner has* ***NOT*** *made reasonable efforts to comply, then the designating body shall adopt a resolution terminating the property owner's deduction. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes. The designating body shall immediately mail a certified copy of the resolution to: (1) the property owner; (2) the county auditor; and (3) the county assessor.*

We have reviewed the CF-1 and find that:

☐ the property owner **IS** in substantial compliance

☐ the property owner **IS NOT** in substantial compliance

☐ other (*specify*) ______________________________

| Reasons for the determination (*attach additional sheets if necessary*) | |
|---|---|
| Signature of authorized member | Date signed *(month, day, year)* |
| Attested by: | Designating body |

If the property owner is found not to be in substantial compliance, the property owner shall receive the opportunity for a hearing. The following date and time has been set aside for the purpose of considering compliance. (Hearing must be held within thirty (30) days of the date of mailing of this notice.)

| Time of hearing | ☐ AM ☐ PM | Date of hearing *(month, day, year)* | Location of hearing |
|---|---|---|---|
| | | | |

**HEARING RESULTS (*to be completed after the hearing*)**

☐ Approved ☐ Denied (*see instruction 4 above*)

| Reasons for the determination (*attach additional sheets if necessary*) | |
|---|---|
| Signature of authorized member | Date signed *(month, day, year)* |
| Attested by: | Designating body |

**APPEAL RIGHTS [IC 6-1.1-12.1-5.9(e)]**

A property owner whose deduction is denied by the designating body may appeal the designating body's decision by filing a complaint in the office of the Circuit or Superior Court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner.

RECEIVED
DEBORAH S. BLOCK, MMC

APR 14 2016

CITY CLERK
MISHAWAKA, IN

# RESOLUTION NO. R 2016-16

## A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, RECOGNIZING THE MANY CONTRIBUTIONS OF THE INDIANA CHAPTER OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS AND OFICIALLY DESIGNATING APRIL AS WORLD LANDSCAPE ARCHITECTURE MONTH IN

## THE CITY OF MISHAWAKA, INDIANA

***Whereas,*** the Common Council of the City of Mishawaka, Indiana recognizes that April is "World Landscape Architecture Month" (WLAM), which is a month-long opportunity to celebrate landscape architecture and designed public spaces which complement our natural environment throughout the world; and

***Whereas,*** the design of our physical environment directly influences how we live, and active design concepts promoted by landscape architecture help to develop habits of the mind and body which result in lifelong health and wellness; and

***Whereas,*** 49 Chapters of the American Society of Licensed Architects, (ASLA), which was founded in 1899, will be collaborating with landscape architects in foreign countries by connecting with its 74 student chapters, over 15,000 members, and other organizations throughout World Landscape Architecture Month; and

***Whereas,*** Indiana has been a notable leader in this field with both Ball State University and Purdue University celebrating over 50 years of their Landscape Architecture programs; and

***Whereas,*** locally, landscape architects have made a tremendous impact on the City of Mishawaka, with some examples including Battell Park, Beutter Park, Central Park, Merrifield Park, Kate's Garden, and the Mishawaka Riverwalk which connects so many other parks, monuments and amenities in our community; and

***Whereas,*** the Common Council further recognizes the Indiana Chapter of the American Society of Landscape Architects works daily to "advance landscape architecture through advocacy, communication, education and fellowship".

***Now, therefore, be it resolved, by the Common Council of the City of Mishawaka, Indiana as follows:***

Section I. On behalf of all of the residents of the City of Mishawaka, Indiana, the Common Council formally designates April 2016 as "World Landscape Architecture Month" in our city and recognizes the Indiana Chapter of the American Society of Landscape Architects and their dedicated members, professional and student chapters for their commitment to the highest of ethical standards, stewardship, planning, design and sustainability.

Section II. The Common Council believes that World Landscape Architecture Month provides an opportunity for residents to participate in local Earth Day activities on Friday, April 22$^{nd}$ 2016 and Arbor Day activities on Friday, April 29$^{th}$ 2016; and to experience countless contributions made by landscape architects throughout our rich and vibrant community; and should be celebrated each April hereafter.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

| | |
|---|---|
| Dale "Woody" Emmons,<br>1$^{st}$ District | Ron Banicki, President,<br>6$^{th}$ District |
| Mike Bellovich, 2$^{nd}$ District | Joe Canarecci, At Large |
| Ross Deal, 3$^{rd}$ District,<br>Vice President | Matt Mammolenti At Large |
| Kate Voelker, 4$^{th}$ District | Bryan J. Tanner At Large |
| S. Michael Compton<br>5$^{th}$ District | |

| | |
|---|---|
| Deborah S. Block, IAMC, MMC<br>City Clerk | David A. Wood, Mayor |

# CITY OF MISHAWAKA

**DAVID A. WOOD, MAYOR** **BUILDING - COMMUNITY DEVELOPMENT - PLANNING**

April 13, 2016

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. Ross Deal, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Joe Canarecci, At-Large City Council
Mr. Matt Mamolenti, At-Large City Council
Mr. Bryan Tanner, At-Large City Council
Mrs. Deborah Block, City Clerk

RECEIVED
DEBORAH S. BLOCK, MMC
APR 14 2016
CITY CLERK
MISHAWAKA, IN

Re: Resolution 2016-17
Addition of property parcels to the City acquisition list
Proposed Juday Creek Wellfield

Dear Council Members and Clerk:

Attached for your consideration is proposed Resolution 2016-17 adding multiple properties to the City's acquisition list within our consolidated Tax Increment Finance District. In 2014, the Common Council approved an adjustment of the boundaries of the City's Tax Increment Finance Districts forming one consolidated district. As part of that amendment, an amendment to the City's Economic Development Plan was included which listing a wide range of projects where there was an identified need for funding within or adjacent to that area.

As part of plan amendments, an acquisition list is required to be completed to give property owners information on potential acquisitions. In this case, the City with the review of counsel, identified that it would be disingenuous to include such a list in that amendment because the range of projects (hundreds) would have needed to include literally thousands of properties. Many of which that would never be acquired or touched. As such, the decision was made to follow up with separate individual acquisition list updates on a project to project basis. As an example, the proposed acquisition included here for the north wellfield replacement, because of the need to investigate properties, could have included much of the northern portion of the City and areas in the County on an acquisition list if it were created at that time.

At this time, the Administration is requesting the Council's approval of Resolution 2016-17 to allow the City to proceed with the acquisition of approximately 160 acres to develop a wellfield that will ultimately replace the Gumwood wellfield.

I have attached the information that was previously distributed to the City Redevelopment Commission and the Council for your use and reference. This information includes my Memo dated March 24th 2016, as well as the buy-sell-development agreements between the Redevelopment Commission and the two property owners.

As part of those agreements a few contingencies were placed, including the Council's approval of adding the properties to the acquisition list. If the Council chooses to approve this resolution at this time, the agreements have the ability to move forward. If this is denied, the agreements approved by the Redevelopment Commission and property owners are null and void.

Because of the magnitude of these projects, we made a point to direct communication to the Council at the same time as the Redevelopment Commission to allow for your participation as part of the Redevelopment Commission meeting process. We greatly appreciate those that were able to attend and the questions and input that we have received on what is being considered to date.

As always, we appreciate your consideration of the request. Please do not hesitate to contact me with any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

**RESOLUTION NO. 2016-17**
**Juday Creek Wellfield**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE NORTHWEST IMPROVEMENT PROJECT INTO ONE CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION**

---

WHEREAS, on February 24, 2014, the City of Mishawaka Redevelopment Commission (the "Commission") approved and adopted its Resolution No. 2014-03 entitled "Resolution of the City of Mishawaka Redevelopment Commission Designating and Declaring Certain Areas as Economic Development Areas, Amending the Boundaries of the Northwest Area Improvement Project, Consolidating the Southside Economic Development Area and the Northwest Area Improvement Project Into One Area, And Amending the Economic Development Plan for the Consolidated Area Improvement Project" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City of Mishawaka, Indiana (the "City") to be economic development areas (the "Expansion Areas") for purposes of tax increment financing pursuant to Section 39 of Indiana Code 36-7-14 (the "Act") to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) (the "Consolidated Area"); and (iv) approved an amendment (the "Plan Amendment") to the Economic Development Plan for the Northwest Area (the "Economic Development Plan") to provide for such Economic Development as amended to serve as the economic development plan for the Consolidated Area Improvement Project (as amended by the Plan Amendment shall hereinafter be referred to as the "Economic Development Plan"); and

WHEREAS, on March 11, 2014, the City of Mishawaka Plan Commission (the "Plan Commission") adopted and approved its resolution 2014-01, determining that the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, conform to the plan of development for the City and approving, ratifying and confirming the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, as required by Section 16 of the Act (the "Plan Commission Order"); and

WHEREAS, Section 16 of the Act prohibits the Commission from proceeding until the Plan Commission Order is approved by the legislative body of the City; and

WHEREAS, the Common Council of the City (the "Common Council") previously approved the Plan Commission Order by Common Council Resolution 2014-07; and

WHEREAS, as part of the previous approval various public improvement projects were listed as part of the Economic Development Plan; and

WHEREAS, a number of those projects including the Penn Farm Collector Road, North Gumwood Well Field Replacement and Douglas Road Widening are now at a point of more detailed consideration of acquiring specific properties is being considered; and

WHEREAS, the Administration is asking the legislative body for its review and approval of adding certain properties to the City's acquisition list to implement a portion of these projects; and

WHEREAS, the description of the properties proposed to be added are as follows: All or part of tax key numbers 06-1011-013665, 06-1011-013102, 06-1011-013001, 06-1012-015201, 06-1011-014001, and part of 06-1011-0139, generally described as the center portion of the Juday Creek Golf Course, as well as, part of larger parcels tax key numbers 030-1011-0136, 030-1011-013901, and 030-1011-1040, generally described as the Penn Family Farm.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Mishawaka, Indiana, as follows:

1. The referenced parcels are hereby added to the City's acquisition list as part of the consolidated area improvement projects

2. This Resolution shall be in full force and effect from and after its passage by the Common Council.

* * * * *

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on April 18, 2016.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

______________________________
Ron Banicki, President

ATTEST:

______________________________
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the ______ day of April, 2016, at the hour of _______ ____.m.

______________________________
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

This Resolution approved and signed by me on the ____ day of April, 2016, at the hour of _________ ___.m.

______________________________
David A. Wood
Mayor of the City of Mishawaka, Indiana

# City of Mishawaka

## Department of Redevelopment

David A. Wood , Mayor

# MEMO

Date: March 24, 2016

To: Redevelopment Commissioners

Cc: City of Mishawaka Common Council
Deb Block, City Clerk
David A. Wood, Mayor
Jim Schrader, Mishawaka Utilities Business Manager
Dave Majewski, Mishawaka Utilities Water Division Manager

From: Kenneth B. Prince, City Planner / Executive Director

Re: Proposed Buy-Sell-Development Agreements
Juday Creek Golf Course/Penn Family Farm
Potential Juday Creek Municipal Wellfield

---

At the Monday March 28th Redevelopment Commission meeting, I will be presenting for your consideration two development agreements that if approved would allow for acquisition of land for the future construction of a new/replacement north wellfield for the City.

The area involved includes a significant portion of the existing Juday Creek Golf Course and a portion of the Penn Family Farm. The total area is approximately 160 acres. The land acquisition costs will be approximately 3 million dollars and will require extensive other infrastructure improvements. The exact amount of land and the corresponding purchase price will be determined following more detailed design and engineering.

For those of you that attended the State of the City, I know the Mayor felt strongly that these items needed to be announced at the State of the City, both for the exposure and to make it public to the Common Council first. That being said, staff has been working diligently with legal counsel to complete the details of the respective agreements. The body of these documents represents all the specific requirements and obligations of each party.

**As the Mayor indicated at the State of the City- This is significant.**

- Although we like that our water customers can take it for granted, we understand how vital clean and readily available public drinking water is.
- The proposed acquisition has the ability to serve our water needs for a very long term and is strategically placed in an area that is growing.
- The proposed concept allows for a joint use of property in a model that we know works well with a joint golf course/wellfield operation
- The proposed agreement allows for the construction and operation of a wellfield, but would allow the golf course operations to be leased to the current owner and operator of the course.
- Once completed over the next decade, the total infrastructure investment, including a water treatment facility similar to Division Street, could be over 40 million dollars.
- The completion of this wellfield will not only improve the University Park Pressure District but with the larger capacity it will be able to provide water to the other pressure districts in the city if Virgil or Division is down for maintenance, or some other type of failure.

**First- the History**

The existing Gumwood Wellfield that established decades ago in what was then unincorporated St. Joseph County, is approximately 23 acres located 800 feet northwest of the Intersection of Gumwood Road and SR 23, surrounded by the GrandView Planned Unit Development.

It served the City well until in 2008. The construction of the Hospital and other medical uses a greater attention was placed on higher levels of manganese in the ground water based on staining, not safety.

Our long term needs assessment after 20 years of growth, also indicated that this existing north wellfield couldn't be expanded to meet our future needs. There would not be enough area to meet the water demand, and there was no room to build a treatment plant to reduce naturally occurring minerals in the groundwater.

**Study and Testing:**

Because of the logical joint use, the City had very informal discussions with the Roger's the owners and operators of the Juday Creek Golf Course over four years ago. At that time seeds were planted but no action was taken because the necessary due diligence had not been performed.

In the last two years Mishawaka Utilities Water Division working with DLZ completed the City's long term needs assessment. As part of that assessment, a specific need was identified to replace the Gumwood wellfield at a significantly higher capacity than could be generated with current facilities.

This prompted a more detailed study of the aquifer and water quality. Deep test wells were installed in multiple locations and extensive testing was performed on the southern portion of the Juday Creek Golf Course. The quality and quantity of water was determined to meet our long term needs.

**Negotiation:**

This determination led us in to more detailed discussions with the Roger's. The underlying theme being, we wanted a wellfield and not a golf course. From the Roger's perspective, they saw the mutual benefit of allowing the wellfield, but had no desire to give up their current Golf Course operations.

**The City is looking to buy property for a wellfield and is not buying the golf course operations.**

This prompted the concept of the City purchasing the land and leasing it back to the Roger's to allow both uses to happen simultaneously. Appraisals were performed, and the high cost of property determined pretty quickly that the value of the property limited the areas that the City would want to acquire. Specifically, when the appraisals were performed on the existing Juday Creek Golf Course, it was broken into four components/areas based on the perceived differences in market value and our needs given how the agreement would likely evolve.

Parcel # 1 included 27.10 acres and constituted the three holes adjacent to Fir Road including the existing golf maintenance building. This property had been investigated previously by the owners to be separated from the Golf Course and for redevelopment. The average of the two appraisals for this property was $5,365,000 or $197,970 per acre.

Parcel #2 included 111.17 acres and constituted the bulk of the remaining 15 holes of the golf course and the driving range. This property has no road frontage and was appraised on the basis of it being golf course or residential as an end use. The average of the two appraisals for this property was $1,666,500 or $14,990 per acre.

Parcel #3 included the 5.23 acres of the clubhouse, banquet facility and parking lot. This property was never envisioned to be immediately purchased by the City, but was appraised to understand and have a benchmark of the value should an agreement move forward and in the distant future the City would be given the right of first refusal for purchase. The average of the two appraisals (excluding all inventory/personal property) was $775,000.

Lastly, the fourth component of the appraisal was to determine the fair market value of a lease on the golf course property (excluding the club house/banquet facility). The average of the two annual lease back values were $20,930 per year.

Given that property that is adjacent to major thoroughfares is appraising for close to 200K an acre, this led to a concept to reconfigure a portion of the Golf Course (three holes) that are currently located along Fir Road and to look to acquire property for the future needed water treatment plant to reduce land purchase costs and maximize the high quality land available for future development around the course. Following reaching a verbal understanding of this concept with the owners of the golf course, this led us to negotiate with the Penn Family regarding purchasing a portion of the farm immediately east of the Golf Course that was annexed into the City a few years ago. The advantage to the City is that the land prices are lower north of Juday Creek, the advantage to the Penn's is that we would be construction a road and bridge to serve the wellfield that would also benefit the future development of the farm.

In summary, the immediate expense/cost of land with the different values of property and the potential $1,000,000 expense of the golf course reconfiguration is estimated at $4,000,000. This equates to a resulting average cost of $25,000/acre and most importantly, places all 18 holes of the golf course under City control for long term use and protection of the wellfield resource. Although we plan on leasing the golf course for the foreseeable future, we also know that change is constant. By controlling all 18 holes and having a first right of refusal for the club house/banquet facility, the City is able to control the long term viability and potential future influences to the wellfield over time. If the golf course would ever go out of businesses the City would have three basic resulting options. (1) The City could acquire the clubhouse based on our first right of refusal and choose to run the wellfield as a municipal golf course, (2) the golf course operations could cease and at that point a further evaluation of the property would be made with portions of the existing golf course being sold for redevelopment leaving the essential portions of the wellfield to remain, and lastly, (3) the city could naturalize the golf course and let natural vegetation take over, choosing minimal maintenance of of the property similar to the Division Street wellfield.

If approved by the Commission and Common Council, there are a series of infrastructure commitments that are being made over and above the purchase price of the land that need to be considered and recognized.

The following is a list of the commitments included in the two agreements with the estimated schedule of completion.

- March 2016- City and Sellers enter into Buy-Sell Development Agreement.
- April 2016- City contracts for design of golf course, Douglas Road widening, and Veterans Parkway (north south collector road on the Penn Family Farm) design.
- Fall 2016- Design development drawings for the golf course, Douglas Road widening, and Veteran's Parkway provided for Sellers for input.
- Winter 2016/2017- final review set of construction plans provided to Sellers for comment/review.
- Winter 2016/2017- plat created for parcel creation, dedication of right-of-way/easements, and annexation based on need and Seller's review.
- City closes/purchases property following completion of plat and annexation- estimated winter of 2016/2017.
- Golf Course reconfiguration- bid for construction in 2017 based on timely reviews of the Seller. Estimated completion- April of 2018
- Douglas Road widening- bid for construction in spring of 2017. Estimated completion in 2019.
- Veterans Parkway Phase 1- From Douglas Road to the proposed northernmost cross street intersection south of Juday Creek- Bid for construction winter 2017/2018. Estimated completion in 2019.
- Veterans Parkway Phase 2- From northern terminus of Phase 1, to a point just north of Juday Creek, including the proposed bridge crossing Juday Creek. Bid for construction winter 2019/2020. Estimated completion in 2021.

The actual cost of what is being committed is hard to determine without going to the expense of detailed engineering. We had our consulting engineers, DLZ of Indiana, look at the preliminary costs of both the well field and the associated infrastructure. Although it is very preliminary, a list of those expenses is listed below.

## TABLE 1
## OPINION OF PROBABLE PROJECT COST
## PROPOSED NORTHEAST WATER TREATMENT PLANT
## WTP SITE NEXT TO REDESIGNED BACK NINE

| Item | Description | QTY | Unit | Unit Price | Total Amount |
|---|---|---|---|---|---|
| 1 | 11.5 MG Water Treatment Plant | 1 | LS | -------- | $20,600,000.00 |
| 2 | Water Main, 20", with Fittings to Fir/Douglas | 2,300 | LFT | $140.00 | $322,000.00 |
| 3 | Backwash Water Main to Division WTP Ponds 12" | 17,500 | LFT | $ 90.00 | $1,575,000.00 |
| 4 | Douglas Roadway Improvements/Widening with Storm Sewer | 1 | LS | -------- | $1,715,300.00 |
| 5 | New Roadway and Cul-De-Sac to WTP with Storm Sewer | 1 | LS | -------- | $1,087,000.00 |
| 6 | Storm Water Basin | 1 | LS | -------- | $375,000.00 |
| 7 | 8" Sanitary Sewer | 4,400 | LFT | $60.00 | $264,000.00 |
| 8 | Sanitary Sewer Manholes | 11 | EA | $5,000.00 | $55,000.00 |
| 9 | Mobilization/Demobilization (5%) | 1 | LS | -------- | $270,000.00 |
| 10 | Construction Engineering (1%) | 1 | LS | -------- | $54,000.00 |
| 11 | Material Testing (0.5%) | 1 | LS | -------- | $27,000.00 |
| 12 | Maintenance of Traffic (2%) | 1 | LS | -------- | $108,000.00 |
| 13 | Site Clearing and Erosion Control (2%) | 1 | LS | -------- | $108,000.00 |
| 14 | Site Restoration (3%) | 1 | LS | -------- | $162,000.00 |
| | | | | | |
| | **Proposed Northeast Water Treatment Plant Subtotal** | | | | **$26,723,000.00** |
| | Construction Contingency (25%) | | | | $6,681,000.00 |
| | **Total Construction Cost** | | | | **$33,404,000.00** |
| | Land Acquisition to be determined | | | | -------- |
| | Buying Services, Appraisals, Boundry Survey and Minor Plat | | | | $70,000.00 |
| | Engineering Feasability Study | | | | $240,000.00 |
| | Treatment Pilot Study | | | | $80,000.00 |
| | Design Investigation Professional Services - Survey, Geotech, Utility Coordination | | | | $418,915.00 |
| | Engineering Design & Construction Phase Professional Services | | | | $4,972,745.00 |
| | **Total Anticipated Project Cost based on 2015 Year Construction** | | | | **$39,190,000.00** |
| | **Total Anticipated Project Cost based on 2020 Year Construction** | | | | **$45,440,000.00** |

When the City consolidated our Tax increment finance districts in 2014 into one consolidated district, a comprehensive list of needed TIF capital improvements were included in the documentation of that amendment. The purpose of including costs in that amendment was more to identify that our long term capital needs exceeded our projected revenue in the TIF district. As you may recall, only about half the anticipated projects could be funded based on that assessment. For reference, included in those capital improvements were the long term widening of Douglas Road between Capital and Fir Road, the construction of a collector road of the Penn Farm Property which they have requested be called

"Veteran's Parkway, and the long term replacement of the Gumwood wellfield. The applicable line items from the TIF amendment are listed below.

| | | |
|---|---|---|
| N-2 | Penn Farm Collector Road, Douglas Road to Cleveland | $8,000,000 |
| I-2 | North Gumwood well field Replacement | $12,000,000 |
| R-5 | Douglas Road Widening, Fir Road to west end of proposed overpass (2600 lineal feet, 5 lane section | $4,000,000 |

Although a total of 24 million dollars were listed as potentially coming from TIF for these improvements, the amount actually being committed is only for a portion of these improvements at this time. It is also important to note that the estimates identified in the TIF amendment were very generic estimates based on past projects and lineal footage. We have found that these estimates have been low, sometimes very low, relative to the actual costs projected by our consulting engineers when they look at specific environmental conditions and site circumstances.

What is important for the Commission, and ultimately for the Common Council to understand as part of the review and consideration of these agreements is that approximately 12 million dollars in TIF funding is being committed as part of these agreements spread out through 2021. From a funding standpoint, the administration is working hard to balance our many competing interests at the moment for TIF funding. In the coming months we are also looking to better identify the costs/commitments associated with building infrastructure downtown, building the backbone tunnel of our long term control plan, while still leaving a portion of funds yearly to address on-going road, infrastructure and quality of life improvements. It is truly a balancing act.

To that end, from a fiscal management perspective, we anticipate that the bulk of the water treatment facility construction costs will be paid for through the water rate structure and not the TIF district. The current debt associated with the Division Street Wellfield is set to be complete in 2021. As such, the new plant will likely not begin construction until that time or after to reduce the likely impact to the rate structure.

If approved, the ultimate sale is also contingent on the approval of the Mishawaka Common Council adding the property to the City's acquisition list, and the appraisal of the Penn Family Farm property verifying the minimum appraised cost of the Planned Unit Development portion to be obtained by the City meets or exceeds the per acre price ($14,990/per acre) of the bulk of the golf course.

April 13, 2016

Mr. Woody Emmons, 1st District City Council
Mr. Mike Bellovich, 2nd District City Council
Mr. Ross Deal, 3rd District City Council
Mrs. Kate Voelker, 4th District City Council
Mr. Michael Compton, 5th District City Council
Mr. Ron Banicki, 6th District City Council
Mr. Joe Canarecci, At-Large City Council
Mr. Matt Mamolenti, At-Large City Council
Mr. Bryan Tanner, At-Large City Council
Mrs. Deborah Block, City Clerk

RECEIVED
DEBORAH S. BLOCK, MMC
APR 14 2016
CITY CLERK
MISHAWAKA, IN

Re: Resolution 2016-18
Addition of property parcels to the City acquisition list
2340 North Main Street

Dear Council Members and Clerk:

Attached for your consideration is proposed Resolution 2016-18 adding a property to the City's acquisition list within our consolidated Tax Increment Finance District. In 2014, the Common Council approved an adjustment of the boundaries of the City's Tax Increment Finance Districts forming one consolidated district. As part of that amendment, an amendment to the City's Economic Development Plan was included which listing a wide range of projects where there was an identified need for funding within or adjacent to that area.

As part of plan amendments, an acquisition list is required to be completed to give property owners information on potential acquisitions. In this case, the City with the review of counsel, identified that it would be disingenuous to include such a list in that amendment because the range of projects (hundreds) would have needed to include literally thousands of properties, many of which that would never be acquired or touched.

At this time, the Administration is requesting the Council's approval of Resolution 2016-18 to allow the City to proceed with the acquisition of property and demolition of the home at 2340 North Main Street. This property is strategically positioned immediately north of Fire Station #2 and is adjacent to and west of Normain Park.

The property was acquired by the current owner at tax sale. The property has not been occupied and has had utilities turned off for some time. The current owner planned to make improvements this spring to turn the home into a rental unit. City Staff contacted the current owner and we have an e-mail agreement in principle to buy the home for its appraised value of $52,000. This sale is contingent on the property being added to the City's acquisition list and the approval of a Buy-Sell Agreement with the Redevelopment Commission. The home is currently partially gutted on the inside and the City has had over 40 code violations on the property (under different ownership) since 2002.

The Administration pursued contacting the current owner because property is typically easier and cheaper to obtain before improvements are made and the structure is occupied. The location of the property combined with the previously identified need is the reason for the proposed acquisition. Fire Station #2 will either need to be improved or replaced over time and there is little room currently for such an expansion or replacement. We know that there is a need for an additional apparatus bay and dormitory improvements at this time. If the Fire Station is replaced in another location, the proposed acquisition could then be incorporated into Normain Park with the current Fire Station property.

Since Normain Heights is listed on the National Register of Historic Places, staff both investigated the designation and made contact with interested persons from the subdivision. A copy of a letter from their Neighborhood Watch is attached. It is also important to note that the National Register listing is based on the planning of the subdivision and providing housing to Veteran's following World War II. Although all the homes contribute to the historical status of the subdivision, there is no home within the subdivision itself that is listed as being architecturally significant.

Although listed on the National Register, since only local funds will be utilized, there is no "historic" approval required for the City to acquire and demolish the home. Given the properties location on Main Street, the current condition, the past code violations, and most importantly, the City's identified need, we are recommending approval of the resolution.

As always, we appreciate your consideration of the request. Please do not hesitate to contact me with any questions.

Sincerely,

Kenneth B. Prince, ASLA, AICP
City Planner

Cc: David A. Wood, Mayor

**RESOLUTION NO. 2016-18**
**2340 North Main Street**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MISHAWAKA, INDIANA, ADDING PARCELS TO THE CITY'S PROPERTY ACQUISITION LIST ASSOCIATED WITH A PREVIOUSLY APPROVED COMMON COUNCIL RESOLUTION 2014-07 WHICH APPROVED AN ORDER OF THE CITY OF MISHAWAKA PLAN COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION, AN AMENDMENT TO THE BOUNDARIES OF THE NORTHWEST AREA IMPROVEMENT PROJECT, CONSOLIDATION OF THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA AND THE NORTHWEST IMPROVEMENT PROJECT INTO ONE CONSOLIDATED AREA IMPROVEMENT PROJECT, AND AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED AREA IMPROVEMENT PROJECT ADOPTED BY THE CITY OF MISHAWAKA REDEVELOPMENT COMMISSION**

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WHEREAS, on February 24, 2014, the City of Mishawaka Redevelopment Commission (the "Commission") approved and adopted its Resolution No. 2014-03 entitled "Resolution of the City of Mishawaka Redevelopment Commission Designating and Declaring Certain Areas as Economic Development Areas, Amending the Boundaries of the Northwest Area Improvement Project, Consolidating the Southside Economic Development Area and the Northwest Area Improvement Project Into One Area, And Amending the Economic Development Plan for the Consolidated Area Improvement Project" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution (i) designated and declared certain areas within the City of Mishawaka, Indiana (the "City") to be economic development areas (the "Expansion Areas") for purposes of tax increment financing pursuant to Section 39 of Indiana Code 36-7-14 (the "Act") to expand the existing Northwest Area Improvement Project (the "Northwest Area"); (ii) removed certain parcels from the Northwest Area; (iii) consolidated the Southside Economic Development Area (the "Southside Area") and the Northwest Area into one area (to be known as the Consolidated Area Improvement Project) (the "Consolidated Area"); and (iv) approved an amendment (the "Plan Amendment") to the Economic Development Plan for the Northwest Area (the "Economic Development Plan") to provide for such Economic Development as amended to serve as the economic development plan for the Consolidated Area Improvement Project (as amended by the Plan Amendment shall hereinafter be referred to as the "Economic Development Plan"); and

WHEREAS, on March 11, 2014, the City of Mishawaka Plan Commission (the "Plan Commission") adopted and approved its resolution 2014-01, determining that the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, conform to the plan of development for the City and approving, ratifying and confirming the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Economic Development Plan, as amended by the Plan Amendment, as required by Section 16 of the Act (the "Plan Commission Order"); and

WHEREAS, Section 16 of the Act prohibits the Commission from proceeding until the Plan Commission Order is approved by the legislative body of the City; and

WHEREAS, the Common Council of the City (the "Common Council") previously approved the Plan Commission Order by Common Council Resolution 2014-07; and

WHEREAS, as part of the previous approval various public improvement projects were listed as part of the Economic Development Plan; and

WHEREAS, a number of those projects including an addition to Fire Station #2 and improvements to Normain Park are now at a point where more detailed consideration of acquiring a specific property is being considered; and

WHEREAS, the Administration is asking the legislative body for its review and approval of adding a property to the City's acquisition list to aid in the long term planning for implementation of these projects; and

WHEREAS, the description of the property proposed to be added is as follows: 2340 North Main Street, property tax #16-2120-4129

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Mishawaka, Indiana, as follows:

1. The referenced parcel is hereby added to the City's acquisition list as part of the consolidated area improvement projects

2. This Resolution shall be in full force and effect from and after its passage by the Common Council.

* * * * *

Passed and adopted at a meeting of the Common Council of the City of Mishawaka, Indiana, held on April 18, 2016.

COMMON COUNCIL OF THE
CITY OF MISHAWAKA, INDIANA

______________________________
Ron Banicki, President

ATTEST:

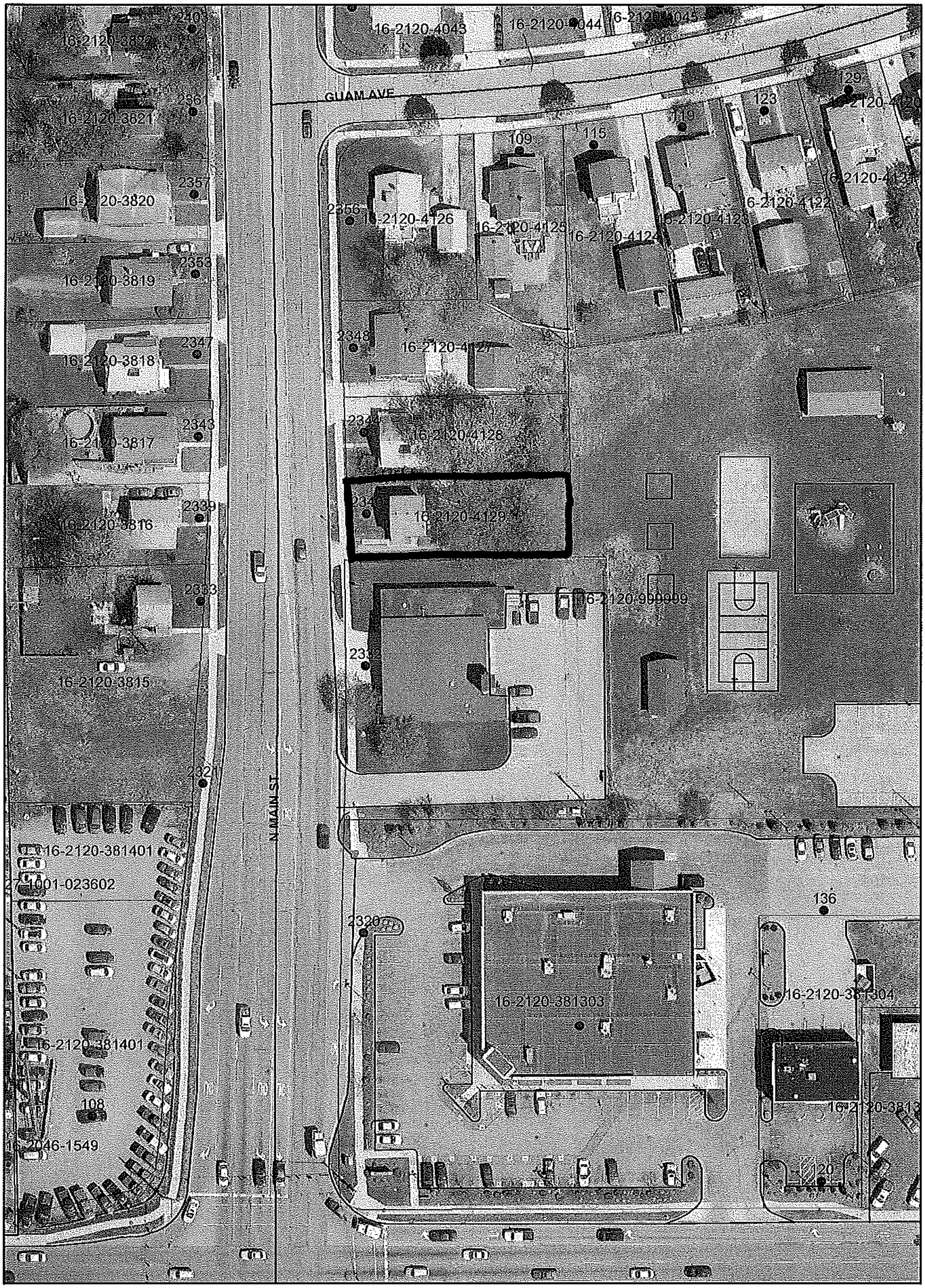
______________________________
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

Presented by me to the Mayor of the City of Mishawaka, Indiana, on the ______ day of April, 2016, at the hour of _______ ____.m.

______________________________
Deborah S. Block
Clerk of the City of Mishawaka, Indiana

This Resolution approved and signed by me on the ____ day of April, 2016, at the hour of _________ ____.m.

______________________________
David A. Wood
Mayor of the City of Mishawaka, Indiana



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2320
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16-2046-1549
120

# *Normain Heights*

***Neighborhood Watch***
***Mishawaka IN 46545***

Mr. Ken Prince
City of Mishawaka Planning
600 E. 3rd St.
Mishawaka IN 46544
April 9, 2016

Dear Mr. Prince,

Thank you for meeting on Wednesday, April 6,with a small group of Normain Heights home owners who were available to meet at that time. The main topic of discussion was the best option for the two-story house adjacent to the Fire Station. The consensus and concerns of the 11 neighbors present are:

- Shared concern for the integrity and preservation of the historic Normain Heights development.
- Pressures of commercial development all around us, especially on north Main Street.
- Value of the fire station and its proximity to Normain Heights.
- Rather than having another poorly-renovated rental property, consensus was to allow the city of Mishawaka to purchase the house and possibly demolish it for the future expansion of the fire station.
- Seek to protect remaining 313 houses by applying for local historic registration with special attention to Main Street houses and continuing vigilant code enforcement.

Those present at this meeting:

Ron Alford, 141 Bastogne Ave.
Leroy Aschenbrenner, 2821 Normandy Dr.
Dick Barnette, 138 Guam
Lynn Hamlett, 2612 Normandy Dr.
Roy and Dorothy Kronewitter, 2404 Normandy Dr.
Joe and Ruth Pavich, 142 Bastogne Ave.
Jim Penn, 203 Bastogne Ave.
Carol Stratton, 223 St. Lo
Mary Beth Torma, 2803 Normandy Dr.

Please help us move forward.

Sincerely,

Ruth Pavich

Ruth Pavich